Luther at Leipzig

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Luther at Leipzig

Martin Luther, the Leipzig Debate, and the Sixteenth-Century Reformations

Edited by

Mickey L. Mattox
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This volume is dedicated to the memory of the Lutheran Harding Meyer (†2018) and the Catholic Otto Hermann Pesch (†2014), each of whom labored heroically to foster mutual understanding and ecumenical rapprochement in the heady years after Vatican II

•••

Ut memoria sempiterna

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Abbreviations

CCath *Corpus Catholicorum*. 48 vols. Münster: Aschendorff, 1919–2007

CR *Corpus Reformatorum*. 108 vols. Halle: Schwetschke, 1834–1860; Leipzig: Heinsius, 1905–2013

LW *Luther's Works* (*American Edition*). 82 vols. St. Louis: Concordia; Philadelphia: Muhlenberg; Minneapolis: Fortress, 1955–

StL *Dr. Martin Luthers Sämmtliche Schriften*. 23 vols. (St. Louis: Concordia, 1892–1910)

WA *D. Martin Luthers Werke: kritische Gesamtausgabe* (*Weimarer Ausgabe*). 120 vols. Weimar: Böhlau, 1883–2009

WA Br *Weimarer Ausgabe Briefwechsel*. 18 vols. Weimar: Böhlau, 1930–1985

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Timeline: the Leipzig Debate

January 1517	Christoph Scheurl writes to John Eck, praising Martin Luther
April	Scheurl writes to Luther, introducing Eck's 1516 Vienna disputation
February 1518	Eck's *Adnotationes* on the *Ninety-Five Theses*, for Bishop Gabriel von Eyb
March	Luther receives the *Adnotationes* through Bernard Adelmann and Wenzeslaus Link
May	Luther sends Eck's *Obelisci* privately to Eck, with his own *Asterisci*
May–June	Andreas Bodenstein von Karlstadt's 370 *Apologeticae Conclusiones*, against Eck's *Adnotationes*
	Karlstadt and Eck exchange letters
August	Eck's *Defensio* against Karlstadt
	Eck proposes a public debate
October	Karlstadt's *Defensio adversus Eckii Monomachiam*
November	Luther mediates plans for the debate between Eck and Karlstadt
	Luther proposes Erfurt or Leipzig for the event; Eck chooses Leipzig
December	John Eck publishes twelve theses for debate
February 1519	Luther publishes his response to Eck's theses
March	Eck publishes *Disputatio et Excusatio* with additional thesis
April	Karlstadt publishes his theses for debate
May	Luther publishes his response to Eck's *Disputatio et Excusatio*
June 27–June 28	Eck debates Karlstadt
June 29	Luther's sermon on the Feast of Sts. Peter and Paul
June 30–July 1	Eck debates Karlstadt
July 4–July 7	Eck debates Luther on the primacy of the pope
July 8–July 9	Eck debates Luther on purgatory
July 11–July 13	Eck debates Luther on indulgences, repentance, absolution, and satisfaction
July 14–July 16	Eck debates Karlstadt
	Luther leaves for Wittenberg
July 21	Melanchthon writes open letter about the debate
July 26	Melanchthon's open letter is published
September 9	Melanchthon presents his theses on Scripture

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Middle Ages, including his biography, *Martin Luther* (Darmstadt, 2006), now in its third edition; *Die fremde Reformation: Luthers mystische Wurzeln* (Munich, 2016); and *Martin Luther: Vom Mönch zum Feind des Papstes* (Darmstadt, 2013).

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Editors' Introduction

On June 27, 1519, three German professors – Martin Luther, John Eck, and Andreas Bodenstein von Karlstadt – entered the majestic Pleissenburg Castle in the university town of Leipzig, the seat of Duke George of Albertine Saxony. The Pleissenburg provided not only a visibly arresting venue for the debate, but something of a metaphor for the fortunes of that characteristically medieval academic exercise. Today, the Stadtgeschichtliches Museum in Leipzig has a diorama of the city from the nineteenth century, and the castle hovers over the landscape, casting a formidable shadow. The Pleissenburg, named after the Pleiße river running to the south of the town, was erected in the fourteenth century. The edifice suffered significant damage in 1547 due to the Smalkaldic War, and by 1549 had been reduced to an administrative building. By the late nineteenth century, it was torn down, and the new Leipzig Rathaus replaced it in 1905. Over the next century, the significant role the town, its university, and the former castle played in the sixteenth-century Reformation faded from memory. It was only in the 1980s that popular revolt against the DDR again returned Leipzig to prominence. Now, it is something of a German "boom town" with major building projects restoring historical sites, tourists visiting in droves, and scores of younger people flocking to the town for its urban chic, progressive museums, and stately architecture. But there is little evidence of the theologically and ecclesiastically formative debate that occurred there in 1519.

In many respects, the fate of the Leipzig Debate in scholarship has followed a similar trajectory. The summer 1519 disputation and the firestorm it set off were arguably more pivotal for the Protestant Reformation than the dissemination of Martin Luther's famed indulgence theses in the autumn of 1517. After a relatively quiet year due to the death of Maximillian and the tense politicking associated with the selection of his successor the Leipzig Debate resurrected the *causa Lutheri* as a central concern for the leaders of the Holy Roman Empire. Once reports of the debate spread, theologians and theological faculties again took sides, university students shifted loyalties and even institutions, and legal proceedings against Luther resumed in Rome. In the wake of Leipzig, Luther began to write highly controversial treatises, denounced the pope as Antichrist, famously burned the bull proscribing his teachings, and was finally excommunicated in January 1521. At the debate, he had stood in front of gathered theologians, students, and nobility, and publicly expressed sympathy for the Greek Church and the Hussites, declared that popes and councils could err, and submitted himself to the authority of Holy Scripture above all. The

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sweeping histories of the nineteenth century saw this as a cathartic moment. Predictably, they divided along confessional lines. The Protestant Ranke wrote that Leipzig "emancipated" Luther from the "last remaining Roman authority," leaving only "that of the Scriptures."[1] Likewise, the Reformed Schaff hailed it as the beginning of Luther's "revolutionary crusade against the Roman Church."[2] The Catholic Grisar, on the other hand, condemned Luther for his "overconfidence, his rhetoric and the habitual violence of his attacks," and praised Eck for eliciting "public statements from his opponent which [Luther] would perhaps have still preferred to keep in the background."[3]

But just as the towering visage of the Pleissenburg gradually lost significance and eventually became a relic before vanishing entirely, so too did the Leipzig Debate succumb to the passage of time. Newer scholarship on Luther and the Reformation challenged the overwrought conclusions found in those grand narratives. Critical for this development was the Berlin church historian Karl Holl, whose work gave rise to the Luther Renaissance. In a series of articles leading up to the four-hundredth anniversary of the Reformation, Holl began to trace Luther's theological development, locating his key theological insights into justification and Scripture as early as the *Dictata super Psalterium* of 1513–1515.[4] He applied this to Luther's understanding of the church, arguing that Leipzig revealed neither a marked change in ecclesiology nor a new understanding of the ordering of theological authorities; both of these had already taken place. The leap taken, Holl argued, was Luther's realization that the universal priesthood of all believers had the right to interpret Scripture and judge doctrine for itself, not just theologians.[5] Several generations of Luther and Reformation scholars followed Holl's lead, finding the genesis of

1 Leopold von Ranke, *The Reformation in Germany*, trans. Sarah Austin, 2nd ed. (London: Longman, Green, Brown, and Logmans, 1845), 454.

2 Philip Schaff, *History of the Christian Church*, 7 vols. (New York: Charles Scribner's, 1889–1910), 7:182.

3 Hartmann Grisar, *Luther*, trans. E. M. Lamond, ed. Luigi Cappadelta (London: Kegan Paul, Trench, Trübner & Co., Ltd., 1913), 362.

4 For studies of Holl and his influence, see Wilhelm Pauck, "The Historiography of the German Reformation during the Past Twenty Years," *Church History* 9 (1940): 305–40, esp. 301–13; Kenneth Hagan, "Changes in the Understanding of Luther: The Development of the Young Luther," *Theological Studies* 29 (1968): 472–96; Heinrich Assel, *Der andere Aufbruch: die Lutherrenaissance – Ursprünge, Aporien und Wege* (Göttingen: Vandenhoeck & Ruprecht, 1994); and James Stayer, *Martin Luther, German Saviour: German Evangelical Theological Factions and the Interpretation of Luther, 1917–1933* (Montreal and Kingston: Queen's University Press, 2000), 18–47, as well as the essays in Christine Helmer and Bo Kristian Holm, ed., *Lutherrenaissance: Past and Present* (Göttingen: Vandenhoeck & Ruprecht, 2015).

5 Karl Holl, "Die Enstehung von Luthers Kirchenbegriff," in *Gesammelte Aufsätze zur Kirchengeschichte*, 2 vols. (Tübingen: Mohr, 1921), 1:245–78, originally published in 1915;

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Luther's reformatory insights earlier and earlier, while rooting his ecclesiological insights in the context of other doctrines. The net effect was to reduce the Leipzig Debate to little more than a crystallization of ideas rather than a sea change.[6] Whatever the appreciable gains of Holl's movement for Luther scholarship, its outcome for studies of the Leipzig Debate has been unquestionably negative. There are no more exhaustive treatments of the disputation's narrative or consequences, such as Seidemann's 1843 *Die Leipziger Disputation im Jahre 1519* or Dau's 1919 *The Leipzig Debate in 1519*.[7] Most Reformation histories devote no more than a paragraph or two to the event.[8] Reference works typically place the debate under the rubric of Luther and the papacy, but seldom include an entire entry.[9] Surveys of Luther's theology rarely address it.[10]

Nevertheless, the Leipzig Debate remains a source ripe for investigation as its quincentennial approaches. The disputation was the first of the Reformation to have official protocols (by agreement, four), yet the 1883 Weimarer Ausgabe edition was based on a manuscript that had combined three different eyewitness

---

Karl Holl, "Luther und das landesherrliches Kirchenregiment," *Gesammelte Aufsätze zur Kirchengeschichte*, 1:279–325, originally published in 1911.

6 For examples, see Ernst Bizer, *Luther und der Papst* (Munich: Chr. Kaiser Verlag, 1958); Lewis W. Spitz, "Luther's Ecclesiology and His Concept of the Prince as Notbischof," *Church History* 22 (1953): 113–41; Wilhelm Pauck, *The Heritage of the Reformation* (Glencoe, IL: Free Press of Glencoe, 1961), 29–60; Christa Tecklenburg Johns, *Luthers Konzilsidee in ihrer historischen Bedingtheit und ihrem reformatorischen Neuansatz* (Berlin: Verlag Alfred Töpelmann, 1966); Remigius Bäumer, *Martin Luther und der Papst* (Munster: Aschendorff, 1970); and Scott Hendrix, *Ecclesia in Via: Ecclesiological Developments in the Medieval Psalms Exegesis and the Dictata Super Psalterium (1513–1515) of Martin Luther* (Leiden: Brill, 1974).

7 Johann K. Seidemann, *Die Leipziger Disputation im Jahre 1519* (Dresden and Leipzig: Arnoldische Buchhandlung, 1843); W. H. T. Dau, *The Leipzig Debate in 1519: Leaves from the Story of Luther's Life* (St. Louis: Concordia Publishing House, 1919).

8 See Roland Bainton, *The Reformation of the Sixteenth Century* (Boston: Beacon Press, 1952), 56; Diarmaid MacCulloch, *The Reformation: A History* (New York: Penguin, 2005), 127; and Euan Cameron, *The European Reformation* (Oxford: Clarendon, 1991), 101. There is no discussion of it in Steven E. Ozment, *The Age of Reform, 1250–1550: An Intellectual and Religious History of Late Medieval and Reformation Europe* (New Haven: Yale University Press, 1980).

9 Cheryl M. Peterson, "Ministry and the Church," in *The Oxford Encyclopedia of Martin Luther*, 3 vols., ed. P. Hinlicky and D. Nelson (New York: Oxford University Press, 2017), 2:542–54, does not address Leipzig at all. Robert J. Christman's entry on the papacy in *Dictionary of Luther and the Lutheran Traditions*, ed. Timothy J. Wengert (Grand Rapids, MI: Baker Academic, 2017), 571–74, devotes two short paragraphs to the debate.

10 Examples abound, but one notable exception is Bernard Lohse, *Martin Luther's Theology: Its Historical and Systematic Development*, trans. Roy A. Harrisville (Minneapolis: Fortress Press, 2006), 118–27.

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accounts, none of them from among the protocols.[11] It was not until 1903 that Otto Seitz reconstructed the protocols and produced an authoritative text of the debate.[12] This 1903 version then became the basis for the new 1983 edition in WA 59.[13] Today the definitive critical edition in the original Latin awaits not only further study, but also translation. The Walch series presents a German translation of the debate based upon sixteenth-century sources, but as yet there is no English version.[14] The American Edition offers only Luther's epistolary recounting of the debate, along with his counter-theses to Eck, which were published prior to the debate in May 1519.[15] In terms of secondary literature, more work has been done in German scholarship than in English. Kurt-Victor Selge produced several influential essays in the 1970s addressing Leipzig as a contest between two equally late-medieval views on church and authority.[16] Leif Grane devoted extensive attention to the debate in his 1994 account of Luther's relationship to humanist reform.[17] Anselm Schubert's important essay of 2008 described Leipzig as a definitively medieval debate following customary scholastic rules of engagement.[18] Volker Leppin has also begun sketching an important connection between Leipzig and the Scripture principle in Protestant thought.[19] Of late, a 2011 collection of essays edited by Markus Hein and Armin Kohnle provides the most current and comprehensive treatment of the debate based upon the new critical edition and the best German literature

11 *WA* 2:254–383.

12 Otto Seitz, ed., *Der authentische Text der Leipziger Dipsutation (1519), aus bisher unbenutzen Quellen* (Berlin: C.A. Schwetschke und Sohn, 1903).

13 *WA* 59:427–605.

14 *StL* 15:860–1130. The lone English-language exception is a selective translation from the Seitz text in Donald J. Zeigler, ed., *Great Debates of the Reformation* (New York: Random House, 1969), 3–34. Unfortunately, this translation neither follows the pagination and numbering of the critical edition in *WA*, nor supplies sufficient annotation of the figures and sources referenced in the debate.

15 *LW* 31:309–25. This is a combination of Luther's published counter-theses at *WA* 2:153–61, and his letter to Spalatin from July 20, 1519, at *WA Br* 1:420–24 (Nr. 187).

16 Kurt-Victor Selge, "Die Leipziger Disputation zwishen Luther und Eck," *Zeitschrift für Kirchengeschichte* 86 (1975): 26–40; Kurt-Victor Selge, "Der Weg zur Leipziger Disputation," in *Bleibendes im Wandel der Kirchengeschichte*, ed. Bernd Moeller (Tübingen: J. C. B. Mohr, 1973), 168–210.

17 Leif Grane, *Martinus Noster: Luther in the German Reform Movement, 1518–1521* (Mainz: Verlag Philipp von Zabern, 1994).

18 Anselm Schubert, "Libertas Disputandi: Luther und die Leipziger Disputation als akademisches Streitgespräch," *Zeitschrift für Theologie und Kirche* 105 (2008): 411–42.

19 Volker Leppin, "Die Genese des reformatischen Schriftprinzips: Beobachtungen zu Luthers Auseinandersetzung mit Johannes Eck bis zur Leipziger Disputation," in *Reformatorische Theologie und Autoritäten: Studien zur Genese des Schriftprinzips beim jungen Luther*, ed. Volker Leppin (Tübingen: Mohr Siebeck, 2015), 97–139.

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on its theology and context.[20] Anglophone scholarship has fared much worse, as no systematic account or theological analysis of Leipzig has replaced Dau's useful, but dated 1919 volume.

In anticipation of the disputation's five-hundredth anniversary, this volume seeks to fill that gap in English scholarship with a volume of essays placing the Leipzig Debate in its historical context and addressing its implications for an understanding of Luther, the sixteenth-century Reformation, and the traditions that emerged from that Reformation. This is not a definitive history or interpretation of the debate, but a collection of complementary essays from scholars who understand both the historical context and the theological implications and who address topics within their areas of specialty with an eye toward how they will make the debate more intelligible. Two important assumptions drive the selection of essays. First, like the confessional scholarship of earlier generations, the editors view the Leipzig Debate as a pivotal moment in the history of the sixteenth-century Reformation due to the way in which Luther's arguments there opened new fissures and gave rise to new theological ideas and ecclesiastical practices. What role Leipzig played in Luther's early development is beside the point; the debate was of paramount importance for the Reformation in that it resurrected the prosecution of Luther, accelerated the formation of both Protestant and Catholic parties, and established a binary opposition that remains largely in effect between the separated Protestant and Catholic traditions to this day.[21] The same cannot be said for a host of other, more celebrated Reformation events, such as the indulgence theses, the Heidelberg Disputation, or even the Diet of Worms. Second, despite the weighty implications it had for the subsequent course of the Reformation, following more recent historical investigations Leipzig should be seen as a characteristically late-medieval debate carried out by late-medieval theologians on the basis of late-medieval theological categories and sources within the late-medieval church. Important scholarship on the late Middle Ages and its relationship to the Reformation has provided a richer, more nuanced picture of the issues and events surrounding Luther's reform, and this volume draws intentionally upon that literature.

The book is divided into two parts corresponding to these two premises. Part One deals with the historical context of the debate, paying special attention to the late medieval backgrounds to both the debate and the ideas articulated

20 Markus Hein and Armin Kohnle, ed., *Die Leipziger Disputation 1519: 1. Leipziger Arbeitsgespräch zur Reformation* (Leipzig: Leipziger Verlagsanstalt, 2011).

21 To this point, see Volker Leppin, "Der Einfluss Johannes Ecks auf den jungen Luther," *Luther* 86 (2015): 135–47, at 147.

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therein. Volker Leppin and Mickey Mattox author a survey of the events and concerns at Leipzig as an expression of fraught theological and ecclesiastical issues in the late Middle Ages. Alyssa Lehr Evans frames Karlstadt's overlooked contributions to the debate in the context of university reforms and shows that his participation reflected the faculty solidarity in Wittenberg. Henning Bühmann draws from his research on the disputation theses collections at Wittenberg to show how the prevailing late medieval culture of disputation informs the debate between Luther and Eck, both in its method and in its conclusions. Thomas Izbicki treats the late medieval debates over conciliarism and their resurgence at Lateran v to explore how and why Luther's interlocutors at the time of Leipzig would have understood his reservations about church authority as an affront to the papacy. Ian Levy places Luther's arguments regarding Scriptural authority in the context of medieval debates over the doctrinal and exegetical authority of theologians, claiming that Luther stood within an established tradition of dissent by masters of the sacred page (*sacra pagina*). Richard Serina presents Luther's use of canon law and the controversial rejection of Roman primacy in his infamous Proposition 13 as emblematic of the medieval disciplinary tensions between jurists and theologians.

Part Two moves forward from the context of the debate to its implications, especially for the immediate course of the Reformation, for Luther's own theology, and for the theological heirs of the Reformation parties. Timothy Wengert presents Philip Melanchthon's report on the debate as an intentional effort to attract humanist support – and one that was imminently more successful than similar efforts on Eck's behalf. Bernward Schmidt focuses on the discussions of papal authority between Luther and Eck to highlight the trajectories that began to diverge at Leipzig. Phillip Haberkern takes Luther's appeal to Hus as a starting point to show how Bohemian ecclesiology would come to shape his emerging view of the church. Paul Robinson uses Luther's appeal to the Council of Nicaea at Leipzig to contrast his earlier view of councils with the view he comes to twenty years later in *On Councils and the Church*, representing a development in his use of historical sources and his ecclesiology. Jonathan Mumme takes the opposite tack, arguing that the ecclesiology of the later Luther is much closer to the ecclesiology of Luther at Leipzig than it is to the standard construal of his distinctively Protestant ecclesiology in Reformation scholarship. Michael Root offers a final essay on the significance Leipzig would have for Roman Catholic ecclesiology and, in turn, ecumenical dialogue between divided Reformation parties.

The volume closes with an appended translation of the more historically and theologically significant selections of the debate drawn from the critical edition in WA 59. This is no incidental appendix, however, but a subtle

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insinuation that more work must be done on Leipzig and on the issues debated at the once towering Pleissenburg in 1519. What happened on those summer days in the presence of two gathered universities and Duke George of Saxony may have emerged from late-medieval practices and ideas, but it resulted in tectonic theological and ecclesiastical shifts that have shaped Protestantism and Catholicism down to the present. If there is to be greater awareness of the differences between those traditions, it must begin with the sixteenth-century conflicts that escalated during the course of the Protestant Reformation, and that in turn means it must begin with an informed and sympathetic reading of both sides of the debate at Leipzig.

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PART 1

Leipzig, 1519: the Leipzig Debate in Its Historical Context

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CHAPTER 1

The Leipzig Debate: a Reformation Turning Point

Volker Leppin and Mickey L. Mattox

In the fateful series of events that led from Martin Luther's writing of the *Ninety-Five Theses* on the power of indulgences in 1517 to his condemnation at the Diet of Worms in 1521, few were more significant than the Leipzig Debate of 1519. It began as a disputation between Luther's Wittenberg colleague Andreas Bodenstein von Karlstadt and the Ingolstadt theologian Johannes Eck on free will and grace in the Christian life. When the topic turned to the authority of the church and papacy, however, Luther stepped in, with fateful consequences. The debate was a public affair that went on for seventeen full days, focused upon thirteen academic theses agreed to by Eck and Karlstadt beforehand, with Luther's knowledge and cooperation. This major event took place at roughly the midpoint between Luther's initial emergence as a public figure and his condemnation at the Diet of Worms. Leipzig marks a dramatic turning point in the *causa Lutheri*.

After Leipzig the constellation of issues involved in the Luther affair had shifted from questions surrounding grace and repentance to the longstanding problem of authority in the church, especially that of the pope. Echoing the intense later medieval controversy concerning the relative authority of popes to church councils, Luther and Eck had debated how papal authority should be understood. Does the pope rule over all the churches as the vicar of Christ on earth? Does papal spiritual and jurisdictional authority over the whole church reflect the design and intent of Christ the Savior? More to the point, does the pope rule as a monarch in the church *de iure divino*, that is, as a matter of divine law? If so, where does that leave the authority of Holy Scripture?

Questions such as these suggested a vexing series of further queries, nearly all of which had long been debated by theologians and canonists. What is the relationship between the Bible and church tradition, especially church councils and the writings of the church fathers? Whether the pope is an ecclesial monarch or not, is he subject to Scripture as the Word of God, limited, that is, in what he can say by what the Bible says? In the heated clash at Leipzig in 1519, Eck defended the position that the pope rules over all the particular churches within the one church, and that he does so *de iure divino*. Luther, on the other hand, publicly argued for the first time that both popes and councils could err, as he thought even a brief perusal of church history would demonstrate. For

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support of this point he turned at Leipzig not only to Scripture, but to the history of the church and its canon law as well.

This was a significant moment. Afterwards, Luther's case seemed to his critics all the more urgent, and they moved quickly to secure his excommunication as a heretic. Leipzig thus marked a decisive moment in the evolution of what would become known as Protestantism, in contradistinction to "Roman" Catholicism. Leipzig increased the velocity at which the two sides moved toward these *termini ad quos* and thus toward ecclesiastical division. The importantly different positions taken by Luther and Eck at Leipzig, moreover, to some extent still divide the western churches today. The clear connection between today's ecumenical debate and the problematic issues that first surfaced publicly at Leipzig underscores the importance of better understanding this historical episode. To do so, one must take stock not only of the complex and multifaceted historical context within which the debate occurred, but also its ramifications theologically.

Both the Protestant and the Catholic communities that emerged out of the controversy in the mid- to later-sixteenth century looked back to Leipzig as a moment when some of their central convictions began to crystallize in the heat of controversy. Much of what eventually became essential to the Protestant churches and their doctrine of church and authority – as codified, for example, in the Lutheran confessional writings – first came to public expression at Leipzig. Catholic identity, too, as it was later defined in the canons and decrees of the Council of Trent (1545–1563), came to reflect approaches to papal and biblical authority that had been developed in response to the conciliar crisis, approaches that were adopted and extended by Eck at Leipzig. Thus, Leipzig became a critical moment in the shared history by which the Protestant and Catholic churches eventually went their separate ways. The public contest between Karlstadt, Luther, and Eck, each a highly skilled and devout theologian, led to the division of the western Catholic church.

1 The Leipzig Debate: Historical Context

As an object of historical investigation, the Leipzig Debate presents many challenges. Some matters that have already been the subject of research illustrate the point. Many of these are addressed in the chapters that follow. First, for example, one might ask how the different educational backgrounds and academic programs of Karlstadt, Luther, and Eck shaped them for considering the difficult questions of grace and human freedom, and authority in the church. Were they perhaps representatives of the rival schools that had caused

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so much debate in the later medieval universities, the *via moderna* and the *via antiqua*? Luther's nominalist philosophical training is well known, and often faulted in ecumenically-sensitive Catholic Luther scholarship.[1] Did Luther perhaps defend positions naturally associated with the *via moderna*, while Eck represented the "old way" of Thomas Aquinas and company, the *via antiqua*? It seems not. Eck's appropriation of the *viae* was eclectic; he had been trained not only in the *via antiqua* but in the *via moderna* as well. Luther, on the other hand, often criticized both theological and philosophical ideas associated with nominalism. Their argument, therefore, cannot be reduced to just one more predictable clash between representatives of the medieval *viae*.[2]

Similarly, one might try to understand the episode with reference to early sixteenth century networks of humanist scholars and theologians. Was this the clash of the humanist, Luther, against the scholastic, Eck? Again, it seems not. Karlstadt, Luther, and Eck were all well-trained in scholastic theology and methodology. At the same time, each of them had been deeply influenced by the humanist movement, and each assumed active roles in humanist reform at their universities. As will be shown below, mutual friends who arranged for them to meet thought they would have much in common. At Leipzig, nevertheless, these reform-minded theologians found themselves headed in different directions. What internal complexities does this reveal in terms of competing visions of church reform across the humanist spectrum?

How too, one might ask, did the theologians at Leipzig deploy the various authorities at their disposal? What different interpretations of Scripture did they offer, especially the words of Jesus in Matthew 16:18: "I say to you that you are Peter, and upon this rock [*hanc petram*] I will build my church. And the gates of hell will not prevail against her"? Is the rock of which Jesus spoke to be understood as Peter himself? Or is it his confession, "you are the Christ," recorded in Matthew 16:16? What role did each man believe the church should play in the authoritative interpretation of the Bible? How did the debaters marshal opinion from canon law and the church's decretals, or from the writings of the church fathers? How did they interpret the various streams of thought

1 For an exploration of some of the issues involved when considering Luther's background in nominalist philosophy, see Graham White, *Luther as Nominalist: A Study of the Logical Methods Used in Martin Luther's Disputations in Light of their Medieval Background* (Helsinki: Luther-Agricola Gesellschaft, 1994). For Eck's nominalism, see Arno Seifert, *Logik zwischen Scholastik und Humanismus: das Kommentarwerk Johann Ecks* (Munich: W. Fink, 1976).

2 A classic study of this clash is Heiko A. Oberman, *Werden und Wertung der Reformation: Vom Wegestreit zum Glaubenskampf*, 3rd ed. (Tübingen: Mohr Siebeck, 1989). Translated in a revised and abridged version as *Masters of the Reformation: The Emergence of a New Intellectual Climate in Europe* (Cambridge: Cambridge University Press, 1981).

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developed by conciliarist and papalist thinkers during the series of controversies that had bedeviled the church for more than a century, from the Council of Constance to Lateran v? Here a number of important differences between the three debaters begin to appear. The essays in this volume address in detail questions such as these, and thus shed important new light on the debate and its consequences.

2 Luther versus Eck

Perhaps the most elusive question regarding the debate, however, pertains to the character and motivations of the two primary actors: Luther and Eck. What impelled them to debate these complex issues in public? Both men were relatively young, ambitious, and anxious to promote and defend the church's faith as they understood it. Eck had already made a name for himself as a debater, engaging in public disputations outside Ingolstadt, in Vienna and Bologna. Luther, for his part, seems to have been trying to accomplish something similar in 1517 when he published the *Ninety-Five Theses*, asking for public debate.[3] Friends who knew them both recognized common concerns and interests that might well have united the two in a common cause. The jurist Christoph Scheurl, for example, clearly thought that Luther and Eck would want to know one another. For his part, Luther initially showed respect for Eck and avoided a public confrontation with him.

After Leipzig, however, Luther became convinced that Eck had deceptively lured him into a debate regarding not grace and penance (the topic of twelve of the theses) but instead papal authority (thesis thirteen). Never mind that Luther himself had enthusiastically embraced debate on this topic long before the two men met at Leipzig. After Leipzig, Luther saw Eck as an opportunist who attacked him aggressively in order to advance his own career. This complaint, one might note, has a certain irony, since Luther himself proved to be not only highly self-aware, but also an adept promoter of his own public image.[4] Eck, on the other hand, had deep concerns about Luther's approach to papal authority from the very beginning, and these were only heightened and confirmed by what he heard in Leipzig. Following the debate, each of the two assumed a posture of intractable opposition: Luther found Eck an untrustworthy self-promoter, while Eck found Luther prideful and obstinate, the very

3 For an exploration of the ways Eck seems to have influenced Luther, see Volker Leppin, "Der Einfluss Johannes Ecks auf den jungen Luther," in *Luther* 86 (2015): 135–47.

4 See Andrew Pettegree, *Brand Luther* (New York: Penguin, 2015).

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definition of a heretic. No doubt Luther's assessment of Eck was informed by subsequent events, particularly the leading role Eck assumed in securing the papal bull threatening him with excommunication, *Exsurge Domine*, and afterwards in publicizing it in Germany.

It seems as well that immediately after Leipzig Luther thought he had seen incontrovertible evidence of Eck's corrupt character. In a letter written to two of his Ingolstadt colleagues from Leipzig in the heady days immediately after the debate, when he was still basking in his victory, Eck boasted to his friends that Leipzig was a "city of love," replete with "lovable women" (*veneres venerea*).[5] As often happened, once this letter had been posted it was quickly copied to Luther and the Wittenbergers. Luther's reaction to Eck's mention of the women of Leipzig, which one might have charitably interpreted as something less than an explicit admission of Eck's sexual indulgence, was predictably harsh. Indeed, Luther repeated Eck's very words back to him in his 1520 "Von den neuen Eckischen Bullen und Lügen."[6] There Luther cleverly admonished Eck that he should have kept his eyes fastened on the books in Leipzig, rather than on those "lovable women," and so avoided making "false and unlearned" accusations against him. Luther was still trying to score points against his opponent, it seems, even at the cost of impugning the man's character.

At the same time, Luther's criticism of Eck's presumed transgression seems to reflect genuine outrage at the man's presumed breach of priestly celibacy. To that extent it underscores the earnestness of the monastic piety Luther had first put on public display in the *Ninety-Five Theses*. In the following years, moreover, Luther's perception of Eck improved little. Remarking in the classroom in 1543 on the news of the man's death,[7] a moment when one might perhaps have expected a kind word,[8] Luther instead spoke harshly. Eck "perished miserably," Luther reports to his students, having "lost his mind," and "without acknowledging God or calling upon him."[9] The implication, it seems, is that Luther's Eck went, not to put too fine a point on it, to hell. Luther's oft-noted tendency to demonize his opponents was, in the case of Eck, on full display.

5 The letter is readily available in a parallel Latin edition with a facing German translation at: http://ivv7srv15.uni-muenster.de/mnkg/pfnuer/Eckbriefe/No87.html.

6 *WA* 6:579–94, at 583.12.

7 Eck died on February 10, 1543.

8 The case of Luther's erstwhile opponent Johannes Tetzel reflects such a softening. If the report of Jerome Emser is to be believed, then in August 1519, when Luther heard that Tetzel was near death, he wrote him a letter of consolation. See Hieronymus Emser, *Auff des Stieres tzu || Wiettenberg wiettende || replica* (Leipzig, 1521).

9 *WA* 44:368; *LW* 7:92.

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Demonization in the sixteenth century was a two-way street. For his part, Eck seems to have expected little better for the heretic Luther. At Leipzig he was shocked and offended by Luther's readiness to assert that popes and councils alike could err, and that Scripture should rule all other authorities for faith and practice. For Eck, this amounted to nothing less than a prideful elevation of the biblical theologian over the teaching authority of the pope, the hierarchy, the councils, and the church fathers. In short, Luther's was an attack on the whole tradition that demanded the sternest possible response. Following their failed effort to debate their way through the controverted issues and so, presumably, to discover common truth together at Leipzig, each man subsequently blamed the other. Surely there was some truth, perhaps even a good deal, both in what Luther made of Eck and what Eck made of Luther.

The present collection of essays seeks to vindicate neither the one man nor the other, but instead to improve our understanding of the Leipzig Debate some five hundred years after the fact. The remainder of this chapter briefly sketches out the background to Leipzig and the debate itself. Our task is first to lay out the broad historical course of events and then alert readers to its significance, both historically and theologically. The essays that follow will contribute to a better understanding of the Leipzig Debate as a historical event. When the topic turns to theology, however, and especially to ecclesiology, the implications of what was said then are important not only for understanding the past, but also for discerning a common way forward for the divided Christian churches today. This book is dedicated, then, both to good history, and to good ecumenical relations between Protestants and Catholics.

3 The Later Middle Ages: Popes and Councils in Conflict

Western church and society in the later Middle Ages endured a long conflict regarding papal supremacy and the authority of church councils. This conflict was a reflection of the late medieval tendency to set religious questions within a binary framework.[10] A modern understanding of this period would take it neither as an era of decline nor, the other way round, of unblemished Catholicism, but as a period fraught with deep tensions that led to polarization.

10 For this interpretation, see Volker Leppin, *Die Wittenberger Reformation und der Prozess der Transformation kultureller zu institutionellen Polaritäten* (Stuttgart and Leipzig: Verlag der Sächsischen Akademie der Wissenschaften, 2008). This essay is reprinted in *Transformationen: Studien zu den Wandlungsprozessen in Theologie und Frömmigkeit zwischen Spätmittelalter und Reformation* (Tübingen: Mohr, 2015), 31–68.

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Perhaps the most obvious example of this tendency comes from the arena of piety. Alongside movements toward an interiorized piety such as mysticism or the *devotio moderna*, one finds many examples of a piety that had been externally commoditized, as for example one sees in the indulgence trade. It seems that the Middle Ages were richer and more complex than the traditional confessional narratives would allow: flourishing faith with a flourishing faith-based commerce. Something similar may be seen in the relationship between the clergy and lay people at this time. On the one hand, laity were profoundly dependent upon the ministry of clerics, who alone could administer the sacraments that imparted to the Christian life its shape and rhythm, from birth to marriage all the way to last rites. On the other hand, in terms of economics, the clergy were deeply dependent upon the lay people. Perhaps even more importantly, lay people were becoming less reliant on the clerics to understand what Christianity meant. The rise of the book trade (made possible by the printing press) in combination with the provisioning of urban churches with expert preachers for the lay people (*Leutpriester*) suggests the development of a society within which increasing numbers of people were able take their own paths toward appropriating the wisdom of Christianity.

Perhaps the most fraught of these internal tensions, at least for the ecclesiastical leadership, pertained to the church itself. For the medievals, claims that the church should be construed as a strict hierarchy with the pope as its unquestioned head were by no means self-evident. Such strict hierarchy had never been the reality in the Middle Ages, neither under Innocent III (1198–1216), nor even under Boniface VIII (1294–1303), who attempted unsuccessfully to apply papal power in politics as well as in theology. In his treatise *De ecclesiastica potestate* of 1302, Giles of Rome had gone so far as to argue that the "pope [himself] … could [even] be called the church."[11] Put differently, the pope is the church. This maximalist approach to papal authority helped shape papal self-understanding. Thus, in his bull *Unam Sanctam*, published November 18, 1302, Boniface VIII asserted that it was requisite for all who would be saved that they should be obedient to the bishop of Rome. This claim was directed primarily against the secular authorities, who, according to the bull, carried the temporal sword not for themselves, but on behalf of the church and its earthly head, the pope.

Yet in Boniface's day this claim was little more than an illusion, as the cruel treatment he suffered at the hands of the secular rulers at the end of his life

11 Aegidius Romanus, *De ecclesiastica potestate* l. 3 c. 12. In Aegidius Romanus, *De ecclesiastica potestate*, ed. Richard Scholz (Weimar: Böhlau, 1929), 209: "summus pontifex, qui (…) potest dici ecclesia."

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clearly shows. When the papacy moved to Avignon shortly after, a sharp debate resulted from the struggle between the popes and German king, Louis of Bavaria. Even if one cannot consider him an unalloyed conciliarist, William of Ockham in his *Dialogue* gathered together an impressive number of theories supporting the authority of councils against and in peculiar situations over the pope. Ockham's main argument was that a pope could fall into heresy and on that account be deposed and replaced, a claim that had previously been suggested in canon law. The authoritative collection of medieval canon law from the twelfth century, *Decretum Gratiani*, included a paragraph entitled *Si papa* ("if a pope")[12] which dealt with the question of what should happen if a pope fell into error. The answer generally was that a pope could not be judged by anyone, but there was one exception: "as long as he is not found to have deviated from the faith" (*nisi deprehendatur a fide deuius*). Not only Ockham, but many other thinkers, canonists among them as well as theologians, considered a council the proper forum for the deposition of an erring pope.

What had been a theoretical matter in the *Decretum* first became a practical issue in Ockham's controversy with Pope John XXII (1316–1334) and later an urgent question for the whole of Latin Christianity when the Great Western Schism arose in 1378, with at first two rival popes and, after the council of Pisa in 1409, three. Participants in these debates made use of Ockham's arguments as well as the discussion among canonists to show that a council had the power at least in a situation of emergency to take action against a pope.

This controversy led at last to the Magna Carta of conciliarist theory, the decree "Haec Sancta" of the Council of Constance (1414–1418), which said:

> This holy synod of Constance – assembled in the Holy Spirit as it is and proceeding as a universal council, representative of the catholic militant church – declares that it has its power immediately from Christ himself. Anyone, whatever status or dignity he may hold, even if it be the papal one, must remain obedient to it in all matters concerning the faith and the rooting out of schism or the universal reform of the church of God in head and members.[13]

This decree was not directed against papal authority in general, however, and it was accompanied by the condemnations of John Wyclif and Jan Hus. Along

12 *Decretum Gratiani*, dist. 40, c. 6, in *Corpus Iuris Canonici*, ed. Emil Friedberg, 2 vol. (Leipzig: Tauchnitz, 1879), 1:146.

13 See *Quellen zur Geschichte des Papsttums und des römischen Katholizismus*, vol. 1: *Von den Anfängen bis zum Tridentinum*, rev. ed. Kurt Aland (Tübingen: Mohr, 1967), no. 767.

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the lines of Augustine's and Wyclif's thought, Hus had developed an understanding of the church as "the universal assembly of all the predestined, in present, past and future."[14] Writing in opposition to *Unam Sanctam* and the use this bull made of Matthew 16, Hus taught that the church's one and only foundation was Jesus Christ, and thus not the pope. In the end, this theory of the church had significant antipapal implications. Consequently, among the sentences condemned by the Council of Constance on June 15, 1415, was this: "Peter neither is nor was the head of the holy catholic church,"[15] which was thought to undercut all hierarchical claims of the papacy. Thus, the council in general did not enact a thoroughgoing anti-papalism. Instead it acted to reestablish a reformed papacy within the church, and so elected a new pope, Martin V (1417–1431), and deposed as pretenders the remaining rival popes.

Clear as the results of Constance seemed to be, the reception of the council split into rival trajectories. On the one hand, the conciliarists tended to become more principled, as seen at the Council of Basel (1431–1449), which gave councils sovereignty over the pope not only in an emergency, but in general. The papacy itself, on the other hand, portrayed itself as having been returned to its former strength, and perhaps even more. In this context Martin V's successor, Pope Eugenius IV (1431–1447), gained the upper hand when he successfully translated that same council from Basel to Ferrara and then to Florence (1431/1438–1445). Those who chose to remain in Basel were left a rump council, and observed from there the success of the transferred council, which, acting strictly under the sovereignty of the pope, even managed a momentary reunion with the Greek church. Papal sovereignty after Florence seemed secure.

Nevertheless, conciliarism in the aftermath of Florence, weakened though it had been, remained a threat to the newly reestablished papacy. Not all conciliarists, however, believed that councils could provide the solution to the church's problems. For example, one of the participants in the Council of Basel, Nicholas de Tudeschis (called Panormitanus after his archiepiscopal see in Palermo) in his commentary on the decretals of Gregory IX (an addendum to Gratian's *Decretum*) developed the idea that even a council was not infallible. Commenting on the decretal "Significasti" in the first book of Gregory's decretals,[16] Panormitanus wrote first, along the conciliarist line, that the pope

14 Hus, *De ecclesia*, c. 1B. See *Magistri Johannis Hus Tractatus de ecclesia*, ed. Harrison Thomson (Cambridge: Heffer, 1956), 2.

15 Heinrich Denziger, *Enchiridion Symbolorum*, 32nd ed. (Freiburg im Breisgau: Herder, 1963), no. 1207: "Petrus non est nec fuit caput Ecclesiae sanctae catholicae".

16 Friedberg 2:49f.

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was subject to the council.[17] But then he added this: "A council also can err, just as one did err concerning the question of contracting a marriage between a rapist and his victim."[18] The latter quote – which refers to a special discussion of the canons on marriage in Gratian's *Decretum*[19] – makes it clear that Panormitanus was not thinking here about questions of faith, but about matters of ecclesiastical order. However, he argued that a council of the church could err, a point that would be of great significance for Martin Luther.

On the other hand, papalism, the theory of absolute papal power understood along the lines of Giles of Rome, flourished more and more. The papalist alternative to Panormitanus may be seen in the *Summa de ecclesia contra impugnatores potestatis Summi Pontificis*, written by the Spanish Dominican Juan de la Torquemada in the years 1448/49. Torquemada had also been a participant at the Council of Basel, but he was one of those who left this council to follow Eugenius IV. The second of the four books of his "*Summa*" dealt with the papacy and argued that Peter had always been the foundation as well as the head (*caput*) of the church.[20] Bestowed immediately on Peter by Jesus Christ (per Matthew 16), papal power could not be restricted by any human authority.[21] Consequently, all Christians were obliged to follow the pope in matters concerning the Christian religion within the frame of natural and divine law,[22] and the pope himself was superior to the councils. According to his *plenitudo potestatis*, or fullness of power, the pope is restricted neither by his own laws nor even by the canons enacted by councils.[23] Arguments such as this shifted the situation radically against the conciliarist predominance that marked the first half of the fifteenth century.

Ideas like those of Torquemada also influenced the leading Dominican theologian Thomas de Vio (Cardinal Cajetan), who in his "*De comparatione auctoritatis Papae et concilium*" in 1511 argued that regularly, except in an emergency, all ecclesiastical power is in the hand of the pope or depends on him.[24]

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17 Nicolaus de Tudeschis, *Lectura super quinque libros decretalium. I: Super primum decretalium librum* (Basel: Wenssler, Ruppel und Richel, 1477), 92^{r} a.

18 Ibid. [92^{r} a]: "et concilium potest errare sicut alias erravit super matrimonium contrahendum inter raptorem et raptam." The reference is to the Council of Meaux (845).

19 Cf. C. 36 q. 2 c. 10f; Friedberg 1:1291.

20 Torquemada, *Summa de ecclesia*, vol. 1, part 2, canon 20. Page citations below are taken from Johannes de Turrecremata, *Summa de ecclesia contra impugnatores potestatis summi pontificis* (Rome: Eucharius Silber, 1489), 73^{v}.

21 Torquemada, *Summa de ecclesia*, l. 2 c. 44 (*Summa de ecclesia*, 84^{v}).

22 Torquemada, *Summa de ecclesia*, l. 2 c. 49 (*Summa de ecclesia*, 88^{v}).

23 Torquemada, *Summa de ecclesia*, l. 2 c. 52 (*Summa de ecclesia*, 90^{v}).

24 Cajetan, *De comparatione*, c. 13. See *Tractatus re-| verendissimi patris fra-| tris Thome de vio Caietani* (...) *De comparatione auctoritatis Pape et Concilii seu Ecclesie vniversalis* (Cologne: Quentell, 1512), 32. The book was first printed in Rome in 1511.

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In Augsburg in 1518, Cajetan became the first papal representative to examine Luther, and in the intervening years he had also been the leading theologian of the Fifth Lateran Council (1512–1517). This papally-approved council was convened in order to counter a conciliarist challenge, that is, an assembly of French cardinals that had gathered in Pisa. Denounced as a "conciliabulum," this council looked to make possible a new conciliarism. By means of power and diplomacy, however, the effort was repelled. Instead, the Fifth Lateran decreed that a council was valid as long and as far as it was under the sovereignty of the pope,[25] and reconfirmed the bull *Unam Sanctam*.[26] Thus, on the eve of the outbreak of Luther's Reformation the church at Lateran V returned to a fully papalist position.

4 Karlstadt, and Luther, versus Eck: Prehistory of the Debate

The year 1517 might well have witnessed the beginning of a lovely friendship between the star professor of Ingolstadt University and the Wittenbergers. Like a sponge, the precocious Johannes Eck, born in 1486 in the region of the Allgäu, seems to have absorbed all the intellectual influences he had encountered. In Tübingen, he had studied under Konrad Summenhart, one of the representatives of the *via antiqua*; afterwards in Cologne he had continued focusing on this *via*, while at his next stop, in Freiburg he lived in the hostel of the *moderni*. Besides scholastic training, he took in humanist studies, as he later reported.[27] The humanist trend was also represented at the university of Ingolstadt, where Eck began teaching in 1510; he became a member of the Eichstätt cathedral chapter in the same year. Eck was the same age as Andreas Karlstadt and just a few years younger than Martin Luther. As mentioned above, each of them was a member of a younger generation of theologians who were eager to bring change to what they saw as the stale forms of academic theology in their day. In light of their later famous controversies, it might be surprising to learn that Eck solicited the favor of the Wittenbergers when he first learned of them. Given their wide range of common interests, however, it makes sense.

The mediator for the initial encounter between Eck and the Wittenbergers was Christoph Scheurl, a former professor of law at Wittenberg who had

25 *Pastor aeternus gregem*, in J. D. Mansi, *Sacrorum Conciliorum Nova Amplissima Collectio*, 53 vols. (Paris: Welter, 1901–1927): vol. 32:968D. Hereafter, Mansi.

26 *Pastor aeternus gregem* (Mansi 32:968E).

27 Johannes Eck, *Epistola de ratione studiorum suorum* (1538), and Erasmus Wolph, *De obitu Ioan. Eckii adversus calumniam Viti Theodorici* (1543). Both are in *CCath*, vol. 2, ed. Johannes Metzler (Münster: Aschendorff, 1921). For Eck's course of studies, see 40f.

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become a counselor in his home city of Nuremberg. In January 1517 Scheurl wrote to Eck, and mentioned the University of Wittenberg:

> Among the theologians there are eminent ones like the Augustinian Martin Luder, who commented with wondrous skill on the letters of the Tarsian [i.e. Paul], as well as Andreas Bodenstein from Karlstadt, Nicholas of Amsdorf, John Feldkirchen, and many others.[28]

Just a few weeks later, on April 1, Scheurl forwarded an offer of friendship from Eck to Luther. Included were some letters, and, as it seems, Eck's recent Vienna disputation.[29] There are some reasons to surmise that Luther was deeply impressed by this offer.[30] In Eck's work, he encountered a concise and bracing form of academic theses, including such unusual interjections as "*contra Gabrielem*,"[31] a form that Luther himself would employ only a few months later in his disputation against scholastic theology.[32] Even more, in his theses against indulgences, Luther would put some of his theses in a form similar to Eck's, but for the purpose of rejecting Eck's arguments. In his theses five and six concerning the limits of papal power, for example, Luther seemed to reply to Eck's argument for papal authority even over purgatory, and in thesis eighty-two Luther picked up critically the word *evacuare*, "to empty" (i.e., purgatory), precisely as it had been used by Eck for this kind of power.

Perhaps this was the point where incipient friendship turned to incipient hostility. If in his *Ninety-Five Theses* Luther made Eck his opponent, Eck for his part did not hesitate to respond. According to Eck's own account, he did this not on his own initiative but at the request of the bishop of Eichstätt, Gabriel of Eyb.[33] In addition, Eck wrote eighteen theses against Luther, sending them privately to Wittenberg.[34] He did not intend to bring them into print. Likewise, Luther's responses to Eck's propositions were intended for private use only. He labeled the text of Eck, in which he counted altogether thirty-one

28 Christoph Scheurl, *Briefbuch: Ein Beitrag zur Geschichte der Reformation und ihrer Zeit*, ed. Franz v. Soden and Joachim K. F. Knaake, vol. 2 (Potsdam: Gropius, 1872), 2.

29 Johannes Eck, *Disputatio Viennae Pannoniae habita* (1517). In *CCath*, vol. 6, ed. Therese Virnich (Münster: Aschendorff, 1923).

30 The argument summarized here is detailed in Leppin, "Der Einfluss Johannes Ecks," cited above.

31 That is, "against Gabriel Biel," a prominent Tübingen theologian. See Eck, *Disputatio*, 29,3.

32 See *WA* 1:225, 7–11. The young Luther had studied Biel carefully.

33 Johannes Eck, *Defensio contra amarulentes D. Andreae Bodenstein Carolstatini invectiones* (1518). In *CCath* 1, ed. Joseph Greving (Münster: Aschendorff, 1919), 36,26–37,1.

34 Eck, *Defensio*, 37,2–4.

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propositions,[35] *Obelisci* or "daggers,"[36] an allusion to a kind of marking employed in text-critical annotations. Accordingly, Luther labeled his responses to Eck's propositions the *Asterisci* or "little stars," a related variety of text-critical annotation. The roadmap for an explicit conflict between the two men had been drawn.

The field of accusations raised by Eck was broad. To be sure he needed to address penance and the use of canonical penalties, as well as questions of purgatory and the treasury of merits (*thesaurus ecclesiae*). All of these issues were mentioned prominently in the *Ninety-Five Theses*. But Eck also inquired after the origins of papal power and how Christians participate in the salvation given in Christ. Most tellingly, here already he faulted Luther for falling into the Hussite heresy.[37] Together with the *Dialogus* of Silvester Prierias from the Roman proceedings, Eck's charge changed the perception of the central issue of the debate. Set within its late medieval background, Luther had begun with a problem regarding the relationship between internal and external piety: pious suffering versus the purchase of an indulgence. After Eck's work a different problem took center stage, viz., the relationship between central and local authorities, of the papacy, in other words, in relation to other authorities within the church. Why this change? Because, it seems, Luther had attacked Eck in the theses mentioned above, and precisely on the question of the papacy. In response, Eck reiterated and further emphasized his point. Here one can see how the Luther affair developed in an ad hoc manner, shaped by the particularities of each man's response to the other, which surely reflected elements of ambition and vanity on both their parts.

Luther for his part enthusiastically accepted Eck's re-centering of the questions at debate on this new issue. Indeed, in the *Asterisci* he flatly declared that the pope as a human being could err.[38] This was not in itself a heretical claim at that time, for there was no officially declared doctrine of papal infallibility. But again it is helpful to attend to the particulars of this argument, in which Luther pointed out that, as the Psalmist says, "Every human being is a liar."[39] Luther's appeal to this text made his proposition concerning the pope as a human being sound a bit more provocative than it would otherwise have been. Still, beyond the question of the pope, Luther readily accepted some authorities within the church, and did not appeal to Scripture alone. He was

35 *WA* 1:281–314.
36 *WA* 1:281,2.
37 *WA* 1:302,15f; 1:305,6f.
38 *WA* 1:306,13–15.
39 *WA* 1:281,15f: "*Omnis* (*autem*) *homo mendax*."

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willing to accept church councils,[40] for example, even if at the same time, referring to Panormitanus, he could state that councils could err,[41] which was an important argument against Prierias. He even could point out that he would prefer to the pope the doctors of the church and the writings of the fathers.[42]

Luther at this point was far from rejecting the authority of tradition outright. He blamed Eck for relying on the scholastics,[43] but at the same time he asked him to turn to better authorities: "I hoped he would argue against me by means of the Bible or the doctors of the church or the canons"[44] – even the canons! Thus, the initial contrast between Eck and Luther on the one hand had to do with questions of repentance and indulgences. On the other hand, it became increasingly a quarrel about authority in the church, about the papacy, and thus also about the Bohemian heresy. Still, this might have played out as a respectful contest between scholars conducted in private letters and unpublished treatises. Instead, the controversy was brought into the public sphere by Andreas Karlstadt when he published his *Apologeticae Conclusiones*.[45] Thus it happened that at Leipzig not only two, but three of them would enter into debate.

Eck for his part suggested instead that the question be transferred to the Holy See and blamed Karlstadt for having brought the matter before the public.[46] A transfer of the matter to the Holy See[47] seems at this stage of the debate to have been unworkable, in which case Eck suggested that it be heard by a famous university such as the Sapienza, the Sorbonne, or Cologne.[48] Interestingly, Eck did not at this point insist on a papal judgement, even if one might surmise that Eck assumed the proposed university faculties would vote in his favor. Thus, Eck appealed for an inner academic solution.

Karlstadt instead looked for a judgment by the public. The extended title of Karlstadt's "Defensio" explicitly rejected placing the matter at the feet of either the pope or the three universities mentioned. Instead Karlstadt asked for

40 *WA* 1:308,25f.

41 *WA* 1:656,30–33.

42 *WA* 1:306,7–17.

43 *WA* 1:281,28–31.

44 *WA* 1:282,1f: "Sperabam enim quod ex Bibliis vel eccelsiasticis Patribus aut Canonibus contra me pugnaret."

45 *D. Andree Carolstatini docto-| RIS ET ARCHIDIACONI VVITTEN-| BVRGENSIS: CCCLXX:ET APOLOGE-| ticę Conclusiones pro sacris literis & Vuitten-| burgen*[*sibus*] *ita editę vt & lectoribus | profuturę sint* (Wittenberg: Johann Rhau-Grunenberg, 1518). Cf. Eck, *Defensio* 37,4–7; *WA Br* 1:460,13–15.

46 *WA* 9:207,8–19.

47 Eck, *Defensio*, 81,12f; cf. *WA* 9:207,16–18.

48 Eck, *Defensio*, 81,12–16; cf. *WA* 9:207,18f.

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the judgement "of single persons and all," that is, the reading public.[49] Eck felt insulted by Karlstadt's book.[50] Nevertheless, he went along with the plan for a public disputation, in part because he saw himself, and not without reason, as one of the best and most famous debaters in German academia. Increasingly, too, the Wittenbergers were ready to set the matter before the public. Luther proposed Erfurt or Leipzig as possible sites for the disputation,[51] which suggests that he was looking to nearby universities where he might expect a more sympathetic audience. In the end, both sides agreed on Leipzig, and Eck sought the permission of Duke George the Bearded, the Leipzig university and faculty, to see if the disputation could take place there.[52] After some internal struggles, and over the local bishop's objections, the city and its university at last agreed to host a debate between Karlstadt and Eck, with Luther in attendance, but, presumably, not at the podium.

5 A Long Disputation

The Leipzig Debate was a lengthy affair.[53] Eck came to town accompanied by just a single servant on June 22, 1519. Karlstadt and Luther entered the city two days later, accompanied by a rowdy throng of supporters numbering about two hundred. The debate itself, however, did not begin until June 27, and it was set within a rather self-consciously religious framework. It is important to recognize that participants and observers alike saw the debate as an opportunity to discover the truth concerning crucial matters of faith. Thus, the debate itself was preceded by a morning mass at the St. Thomas church, a public procession to the courtroom where the debate would be held, and a lengthy prefatory lecture on proper decorum in debate delivered by Leipzig University's own professor of Greek, Petrus Mosellanus. The room in which the debate was held

49 *DEFENSIO* | *Andreę Carolostadii* | *aduersus* | *Eximii. D. Ioannis Eckii theologię* | *doctoris & ordinatii Ing.*| *Monomachiam* | *Patitur Carolostadius non modo Se.*| *Ap. studiique Ro. In Italia/*| *Parisien. in Gallia / aut* | *Coloniensis in Ger-*| *mania iudicium/*| *sed etiam sin-*| *gulorum* | *&* | *omnium* (Wittenberg: Rhau-Grunenberg, 1518).

50 *WA* 9:207,19–208,2.

51 *WA Br* 1:231 (No. 109,5); *WA Br* 1:314 (No. 140,33f).

52 *WA* 9:208,13–20. The faculty was especially hesitant to agree. See Johann Karl Seidemann, *Die Leipziger Disputation im Jahre 1519. Aus bisher unbenutzten Quellen historisch dargestellt und durch Urkunden erläutert* (Dresden and Leipzig: Arnold, 1843), 127 [Beilage 19].

53 The summary here follows Martin Brecht, *Martin Luther: His Road to Reformation, 1483–1521*, trans. James L. Schaaf (Philadelphia: Fortress, 1985), 299–348, as well as Leif Grane, *Martinus Noster: Luther in the German Reform Movement 1518–1521* (Mainz: Philipp von Zabern, 1994), 81–113.

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featured two lecterns, one each for the opposing sides, around which supporters and onlookers gathered, including Prince George. Participants had agreed in advance to submit the debate protocols to the university in Erfurt for a judgment. Thus, four notaries took copious verbatim notes on the proceedings. Daily masses were observed during the debate, and when it at last ended on July 15 or 16, a closing mass was celebrated. The entire event was enclosed, in other words, within the communion of the church gathered around the mass.

The debate took place in three rounds. First, Eck and Karlstadt debated for four days, June 27–28 and June 30–July 1. Their arguments centered on the freedom of the will and the place of grace and good works in the life of the Christian. Next, Luther and Eck debated for nine days, July 4–13, excluding July 10. Their arguments focused on the power of the pope, and specifically whether the pope rules over all the churches "by divine right" (*de iure divino*). As noted above, an important problem concerned how to understand Christ entrusting the keys to forgive or retain sins in Matthew 16. Was Peter himself in his eventual office as bishop of Rome the "rock" on which Christ had founded the church? Or was that rock to be identified with the faith of Peter as seen in his confession to Jesus that "You are the Christ, the Son of the living God?" Could papal primacy be proven from the Scriptures? Luther thought not. Eck on the other hand followed certain sayings of the church fathers that answered in the affirmative. Eck pointed to parallels between Luther's positions on the pope and those of Jan Hus, who had been condemned by the Council of Constance. Luther in reply appealed to Panormitanus's claim that it was possible that one person alone could be right, even when the whole church opposed him. Finally, Eck and Karlstadt debated for two more days, June 14–15. Afterwards, Luther left Leipzig almost immediately in order to meet with his mentor, Johannes von Staupitz. Eck, as noted above, remained in Leipzig for nine more days, where he celebrated what was widely considered a victory.

6 The Aftermath: Winners and Losers?

Years after Leipzig, in the shadow of the Diet of Augsburg, Luther again mentioned his old foe: "Eck, as I can see, wishes to be the winner in Augsburg just as he was in Leipzig."[54] A decade after the event, Luther was able to acknowledge Eck's victory. He could not do this shortly after the disputation itself, especially since the debate did not end in Leipzig. Shortly after the debate, Eck wrote

54 *WA Br* 5:586 (No. 1706, 12p.): "Eccius, ut video, vult etiam Augustanus fieri victor, sicut fuit Lipsicus."

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to Prince Elector Frederick the Wise denouncing Luther as a supporter of the Hussites and emphasizing Luther's admission that the pope did not derive his authority directly from Jesus Christ.[55] A lengthy series of letters followed, including detailed reports from both sides concerning the disputation. These letters show that the Wittenbergers became increasingly convinced that Scripture was the final authority. Accordingly, Luther faulted Eck for avoiding the text of Scripture and insisted that Holy Scripture should norm all other opinions, including the doctors of the church.[56] In the matter of the pope, Luther insisted that papal rule over the churches was not given by divine right,[57] but he recognized how dangerous the assertion of Hus's doctrine could be. Thus, he emphasized that the Council of Constance had censured Hus's sentences not only as heretical, but also as erring and, in some cases, incautious (*temerarius*). As long as it remained unclear which of these articles were heretical and which were not, he claimed his right to assert them.[58] Obviously this was a dodge, which Eck unmasked in a letter replying to the Prince Elector. Constance had not divided Hus's articles into three categories, as if the heretical and the merely erring or incautious could be neatly separated; instead, it had lumped the articles altogether in one broadly heretical list of errors.[59]

Thus, Eck's conviction that Luther was a notorious heretic was only confirmed and intensified by this correspondence. Luther on the other hand came increasingly to see that he had not been labeled a Hussite without reason. Indeed, in October 1519, he received and read a copy of Hus's "De ecclesia,"[60] and after reading it declared: "Until now, I taught and held unknowingly all that Jan Hus taught and held."[61] If Hus was right, then something had to be wrong in the church, as Luther saw the matter. Thus, Luther's encounter with Eck at Leipzig triggered important developments in Reformation thought, which came together as if to form the two sides of a medal: On the one hand, Luther began to consider the papacy as being the Antichrist. After some earlier reflections on this issue, now, in his interpretation of the Leipzig theses, Luther stated that anyone who made the pope the only one able to interpret the Scriptures authoritatively, as he believed Eck had done, by that very fact

55 *WA Br* 1:460 (No. 192,26–32).
56 *WA Br* 1:468 (No. 192,95–122).
57 *WA Br* 1:468 (No. 192,123–128).
58 *WA Br* 1:470 (No. 192,165–168).
59 *WA Br* 1:480 (No. 192,261–263).
60 *WA Br* 1:419 (No. 186,24f.).
61 *WA Br* 2:42 (No. 254,22f.): "Ego imprudens hucusque omnia Iohannis huss et docui et tenui."

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made the papacy the Antichrist.[62] Not long afterwards he became convinced that the papacy was indeed the Antichrist. While modern readers may be inclined to dismiss this as just one more instance of the sort of demonization of the opponent one finds so often in the sixteenth century, Luther surely believed that the devil was at the root of what he saw as the church's betrayal of the Gospel. A further theological development also took place that has great importance for ecumenical dialogue today: Leipzig led to the formation of the Scripture principle. This was not an invention of Martin Luther, but of Philipp Melanchthon. On September 9, 1519, Melanchthon defended a set of theses in the course of his baccalaureate exam in theology. Among these theses, we find the following proposition: "A catholic is not obliged to believe anything beyond those things which are witnessed in Holy Scripture."[63] The so-called Scripture principle, *sola scriptura*, subsequently became a decisive mark of the Reformation protest.

These developments occurred in a context of rapid acceleration of the course of the early Reformation over the following months, an acceleration that in some ways left Leipzig far behind. To confirm this one need only look to the official judgment on the debate pronounced by the University of Paris.[64] The University of Erfurt had also been asked to render a judgment, but it avoided making any official declaration. The Sorbonne, on the other hand, finally rendered a verdict on April 15, 1521, long after Leipzig and even after Luther's official condemnation by the pope, and immediately in the temporal shadow of the Diet of Worms, at which Luther arrived on April 16. By that time the matters discussed at Leipzig had little power to influence the proceedings at Worms, where the most incriminating charges came not from Leipzig (papal authority, the Hussites), but from the much more radical claims Luther had made in 1520 in his *De captivitate Babylonica*.

However, Leipzig was not only a theological event. Interested observers followed the disputation, many of them as personal witnesses, including Duke George, but many more by means of the letters and pamphlets published after the disputation.[65] Soon, the public debate over Leipzig was concentrated on the question of the Hussites. For many this was a problem, but in the eyes of

62 *WA* 6:429,33–430,6.

63 *Melanchthons Werke*, ed. Robert Stupperich, vol. 1, *Reformatorische Schriften* (Gütersloh: Bertelsmann, 1951), 24,29f: "Catholicum praeter articulos, quorum testis est scriptura, non est necesse alios credere."

64 *Determinatio | Theologice facultatis Parisien |sis , super Doctrina LVTHERIANA Hacte| nues per eam visa* (Cologne: Quentel, 1521).

65 For an overview see Christoph Volkmar, "Von der Wahrnehmung des Neuen: Die Leipziger Disputation in den Augen der Zeitgenossen," in *Die Leipziger Disputation*, vol. 1,

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others it became a beacon of hope. A priest and preacher in Zurich, for example, praised Martin Luther as Elijah, at last returned.[66] His name? Huldrych Zwingli.

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CHAPTER 2

Defending Wittenberg: Andreas Bodenstein von Karlstadt and the Pre-history of the Leipzig Debate

Alyssa Lehr Evans

Since the Leipzig Disputation is such a decisive moment in Reformation history, it is important to understand the events that precipitated it. This essay discusses the history leading to Leipzig, focusing on the layers of literary and academic exchange and the various rhetorical strategies between the major players: Johann Eck, Andreas Bodenstein von Karlstadt, and Martin Luther. In particular, it gives needed attention to Karlstadt's central role in the emerging reformation movement as a consistent and creative defender of Wittenberg's innovative theological ideas.[1] With the publication of his *Apologeticae Conclusiones*, Karlstadt instigated a public literary battle with Johann Eck

1 There are necessary limitations to this essay as this pre-history and the literature surrounding it are quite dense. There is, however, surprisingly little literature in English. The best English summary of the pre-history of the debate is Martin Brecht, *Martin Luther: His Road to Reformation*, trans. James Schaaf (Philadephia: Fortress Press, 1985), 299–309. W. H. T. Dau's *The Leipzig Debate in 1519* (St. Louis: Concordia Publishing House, 1919) is also important to mention. Although dated, it contains helpful translations of primary sources not available in the American Edition of Luther's Works (*LW*). The German sources consulted that summarize the historical background include classics, such as: Kurt-Victor Selge, "Der Weg zur Leipziger Disputation zwischen Luther und Eck im Jahr 1519," in *Bleibendes im Wandel der Kirchengeschichte*, eds. Bernd Moeller und Gerhard Rubach (Tübingen, J.C.B. Mohr, 1973), 169–210; Heiko Oberman, "Wittenbergs Zweifrontkrieg gegen Prierias und Eck: Hintergrund und Entscheidungen des Jahres 1518," *Zeitschrift für Kirchengeschichte* 80 (1969), 331–58; and Hermann Barge, *Andreas Bodenstein von Karlstadt*, vol. 1, *Karlstadt und die Anfänge der Reformation* (Leipzig: Brandstetter, 1905), 133–46. More recent literature includes (but is certainly not limited to) Jens-Martin Kruse, *Universitätstheologie und Kirchenreform: Die Anfänge der Reformation in Wittenberg 1516–1522* (Mainz: von Zabern, 2002), 186–232; as well as a volume containing the proceedings from a 2009 conference in Leipzig marking the 490th Anniversary of the Debate: *Die Leipziger Disputation 1519. 1. Leipziger Arbeitsgespräch zur Reformation* (Herbergen der Christenheit, Sonderband 18), eds. Markus Hein und Armin Kohnle (Leipzig: 2011). This volume included helpful essays that presented the state of research and provided background on several figures involved in the debate, including Luther (Helmar Junghans), Eck (Johann Peter Wurm), and others. There was, however, no essay devoted to Karlstadt. Happily, there is an updated and revised version of this volume due to be released this year, with an essay on Karlstadt by Stefania Salvadori, "Karlstadt und die Leipziger Disputation" (forthcoming). The narrative and the recent literature cited in this

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throughout 1518 that led to the Leipzig Disputation. This essay draws on the critical edition of Karlstadt's works[2] to consider the works in this controversy and to tell the story of this opening act that set the stage for Luther's subsequent leading role in the drama of the Leipzig Debate. By examining these sources, we are able to more fully reconstruct the pre-history of the debate and perceive the various strategies of all three theologians. This also provides insights into the development of a unified but diverse Wittenberg front at the time.

1 Humanist Friendships and "Private" Literary Exchanges

The relationship between Eck and those in Wittenberg began, not in conflict, but with mutual interests and respect. In early 1517, Christoph Scheurl, an active humanist and diplomat in Nuremberg,[3] instigated a humanistic friendship between Eck in Ingolstadt and Karlstadt, Luther, and Spalatin in Wittenberg.[4] The Swabian-born Eck was a theologian and pro-chancellor at the University of Ingolstadt. He shared an interest with the Wittenbergers in university reform and had already introduced a number of curriculum reforms at Ingolstadt.[5]

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essay will focus primarily on Karlstadt's role in the events and literary controversy leading to the Disputation.

2 *Kritische Gesamtausgabe der Schriften und Briefe Andreas Bodensteins von Karlstadt* (*KGK*), Parts I–II, ed. Thomas Kaufmann, et al. (Göttingen: Gütersloher Verlagshaus, 2017). The project is currently underway through the support of the German Research Foundation (DFG) and the cooperation of the Academy of Sciences and Humanities in Göttingen and the Herzog-August-Bibliothek in Wolfenbüttel (HAB). The complete edition will be available in both a digital (http://diglib.hab.de/edoc/ed000216/start.htm) and print format. To date, only *KGK* I has appeared in print; references to it will be made using volume, page, and line, as well as source numbers (Nr.). At this time material from *KGK* II can only be referenced by source numbers (Nr.). For more information, see the English language website: www.karlstadt-edition.org.

3 Scheurl was formerly professor of Law in Wittenberg from 1507 to 1512. For earlier interactions between Scheurl and Karlstadt see, for example, *KGK* I.1:277–90 and 295–303 (Nrs. 5–7 and 9–11).

4 A letter from Scheurl to Eck on January 14, 1517 provides an overview of the theologians at Wittenberg and offers to establish contact with them on Eck's behalf. Franz von Soden and Joachim K. F. Knaake, eds., *Christoph Scheurls Briefbuch* (Aalen: Otto Zeller, 1962) 2:2–3 (Nr. 115); Eck, *Briefwechsel*, ed. Vinzenz Pfnür (Internet Edition: Münster, 2011), Nr. 39. On April 1, 1517, Scheurl sends letters to Luther, Karlstadt, and Spalatin to this end (Scheurl, *Briefbuch*, 2:11–14 [Nrs. 123–26]; See also *WA Br* 1:91 [Nr. 36]; *KGK* I.1:469–72 [Nr. 55]).

5 Erwin Iserloh, *Johannes Eck (1486–1543): Scholastiker, Humanist, Kontroverstheologe* (Münster: Aschendorff, 1981), 18–20. Eck had more humanist leanings and connections than popular historiography might assume. Willibald Pirckheimer numbered Eck as a "humanist theologian"

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Resonant with practices in humanist circles of the time, their "friendship" primarily involved the exchange and praise of one another's scholarly ideas and writings. The Wittenbergers received copies of Eck's *Disputatio*, the recent publication of his version of events at his Vienna and Bologna disputations.[6] Likewise, Scheurl also passed along Karlstadt's *151 Conclusiones* to Eck, which Eck appears to have admired and praised,[7] as well as Luther's *Disputatio contra scholasticam theologiam*.[8] Further, Eck most-likely received a copy of the *Ninety-Five Theses* or *Disputation on the Power and Efficacy of Indulgences* through Scheurl.[9]

It could be said that the Leipzig Debate was always between Luther and Eck and is part of the larger reaction to Luther's *Ninety-Five Theses*. The friendly relationship between Eck and Wittenberg turned contentious when Eck received a copy of Luther's theses and wrote what he referred to as *Adnotationes* in response.[10] Eck repeatedly argued that he had written these solely at the

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alongside Luther in his "Apologie" in defense of Johannes Reuchlin. Eck not only sided with Reuchlin and hosted him in Ingolstadt, he maintained friendships with the humanist circle in Nuremberg, was fluent in Latin, Greek, and even Hebrew, and trained humanists like Balthasar Hubmaier and Urbanus Rhegius. See also Lyndal Roper, *Martin Luther: Renegade and Prophet* (London: The Bodley Head Ltd., 2016), 128.

6 *Disputatio Viennae Pannoniae habita* (Augsburg, 1517), VD16 E 314; ed. Therese Virnich in *CCath* 6. Volker Leppin ("Der Einfluss Johannes Ecks auf den jungen Luther," *Luther* 86 [2015]: 135–47) summarizes this work's content and posits that Eck's criticisms of scholastic authors in the course of his own arguments – especially his use of phrases like "contra sanctum Thomam," "contra Scotum," etc. – was picked up by Karlstadt and Luther in their early disputations of 1517 and 1518. As will be discussed, Eck's retelling of these events became controversial leading up to the debate.

7 *KGK* 1.1:535,10–13 (Nr. 63). For 151 *Conclusiones*, see n. 25 below.

8 *WA Br* 1:10,5–8 (Nrs. 46–47). We do not have any evidence of Eck's response to Luther's *Disputation Against Scholastic Theology* (*WA Br* 1:106, n. 6).

9 Scheurl's letter to Kaspar Güttel on January 8, 1518 (*Briefbuch* 2:43–44, Nr. 160) reads: "… conclusiones de indulgentiis ego Augustam et Ingolstadium misi. Rescripsit Eckius, petiturum se decem miliaria ad d. illius disputationem, quippe inter eos amicitiam conciliavi." It is likely that he sent the theses on January 5, since we know that Scheurl sent them to Konrad Peutinger in Augsburg on this day (*Briefbuch* 2:40, Nr. 156).

10 In Peter Fabisch and Erwin Iserloh, eds., *Dokumente zur Causa Lutheri*, 2 vols. (Münster: Aschendorff, 1988–1991), 1:376–83. Scheurl's comments to Güttel (see citation in n. 9 above) suggest and have been used to argue that Eck was immediately interested in debating the theses once he saw them. In a letter to the Viennese humanist Johannes Cuspinian, we see the first reaction to Luther's theses directly from Eck's hand: Eck praises Luther for fighting against the misuse of indulgences but is decidedly against his understanding of the sacrament of penance (Iserloh, *Eck*, 23, n. 6). In the introduction to his *Defensio* (*CCath* 1:37), Eck states that he originally responded to eighteen of Luther's theses: "Itaque pientissimo antistiti meo morem gerens, adnotationes in xviii propositiones conscripsi et ipsi transmisi, quae tandem ad Wittenbergium pervenerunt." The 1545 Wittenberg print (*WA*

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private request of Gabriel von Eyb, the Bishop of Eichstätt and Chancellor of Ingolstadt University.[11] Several of his "Annotations" reveal that Eck saw the *Ninety-Five Theses* as challenging the power of the papacy and as dangerously close to Bohemian heresy.[12] When the *Adnotationes* made their way to Luther – and presumably other colleagues in the Wittenberg circle – in March 1518 through his friend Wenzeslaus Link, Luther interpreted them as a break of their recently formed friendship and as an accusation of heresy and sedition. Luther explains to Egranus that he would have simply swallowed his anger, but his friends compelled him to answer Eck privately (*privata manu*).[13] He renames Eck's comments as *Obelisks* and responds to each with his *Asterisks*. He dispatches his response back the way he received Eck's *Adnotationes*: he sends it to Link to forward to Eck on May 19, 1518, just a few days after his return from the Heidelberg Disputation.[14]

In the accompanying letter to Eck,[15] Luther repeats his frustration that Eck would break their recently formed friendship without a word or warning and

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1:281–314) numbers 31 Obelisks responding to 34 of Luther's theses. It remains unclear how to explain this discrepancy.

11 For example, in the introduction to his *Defensio* (*CCath* 1:37). See also Eck's letter to Karlstadt on May 28, 1518 (*KGK* 1.2:787 [Nr. 84]); further letters where Eck makes this case are cited in *CCath* 1:9, n. 6.

12 See, for example, Obelisks 18, 22, and 26 (*WA* 1:302, 304, and 311). For a good discussion of Jan Hus and the Reformation movement, see Thomas Kaufmann, *Der Anfang der Reformation* (Tübingen: Mohr Siebeck, 2012), 30–67.

13 Luther received the *Adnotationes* sometime between March 5 and March 24 through Link in Nuremberg via Adelmann in Augsburg. Our first indication of Luther's reaction comes from this letter to Egranus in Zwickau on March 24 (*WA Br* 1:158,18–25). He complains that Eck's *Obelisks* call him "a fanatic Hussite, heretical, seditious, impudent, rash, unlearned, clumsy, and a despiser of the Pope." Many of these same sentiments are expressed by Karlstadt in the introduction to his *Apologeticae Conclusiones* and surrounding correspondence. Selge argues in his important essay ("Weg zur Leipziger Disputation," 174, n. 16) that Eck did not actually make a direct accusation of heresy against Luther in his *Obelisks*. This is repeated by Iserloh (*Johannes Eck*, 24–25), who argues that Luther is the one who calls Eck a heretic in his *Asterisks*. Kruse, *Universitätstheologie und Kirchenreform*, 165, points to this letter to show that Luther, at the very least, interpreted Eck's comments in Obelisk 18 and 22 this way.

14 It seems that Luther may have completed his response to Eck by the time of his departure to Heidelberg. Brecht (*Martin Luther*, 1:211) explains that, at this time, Obelisks were used in critical study to mark spurious or heretical texts, and Asterisks were used to mark the most important texts. Luther may have been inspired from a comment Eck himself states at the beginning of his *Adnotationes* (*WA* 1:282,23–24): "Solum subitaneo motu, sine librorum adminiculo, pauca adnotabimus et (ut dici solet) Obelisco signabimus."

15 *WA Br* 1:177–79 (Nr. 77). An older English translation of this letter is found in Preserved Smith, *Luther's Correspondence and Other Contemporary Letters*, vol. 1 (Philadelphia: Lutheran Publication Society, 1913), 85–87. See also Dau, *Leipzig Debate*, 22–23.

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treat him this way. He explains that he is forwarding his *Asterisks* to him so that Eck may see that he has responded too rashly and ignorantly and is condemning his theses before understanding them. Luther employs clever rhetorical tactics, perhaps common in this type of dueling literature based on similar maneuvers in all three men's letters. Luther makes it clear that he is sending his response to Eck privately and would prefer the matter to end amicably. With the same breath, however, he warns that he is not afraid to meet Eck and battle him publicly if he will not back down. Luther appears to offer Eck the opportunity to decide whether the controversy will continue or not. Ulrich Bubenheimer has recently added to our interpretation of this letter by pointing to the diplomatic – even intentionally obscuring – aspects of it as well as to evidence that Luther was allowing his *Asterisks* to be seen by others and that he did intend to publish them.[16] In both this letter and his *Asterisks*, Luther indicts Eck and his comments as a futile defense of scholasticism and a neglect of the Bible and the church fathers (despite Eck's claims to the contrary).[17] Their exchange reveals that they disagreed on matters such as how to understand the sacrament of penance, the nature and function of canonical penalties and whether they need to be satisfied after death, and the intercessory role of the church and priests, including in relation to the papacy.

2 The Public Arena

It has been commonly explained that although Eck could have elevated the exchange with Luther, he chose not to publicly respond to the *Asterisks.* Both men, perhaps through the mediation of Scheurl, appear to have decided to

16 Bubenheimer ("Andreas Karlstadts und Martin Luthers frühe Reformationsdiplomatie: Thesenanschläge des Jahres 1517, Luthers 'Asterisci' gegen Johannes Eck und Wittenberger antirömische Polemik während des Augsburger Reichstags 1518," *Ebenburg-Hefte* 52 [2018]: 284–95) rightly points out that there is still much to be understood in regard to Luther's *Asterisks.* Building on Bernd Moeller's work, he situates Luther's text in the wider context of Luther and Karlstadt working together and their attempts at public disputation; he points to manuscript evidence that speaks to the fact that Luther intended to publish his *Asterisks* as of August 1518.

17 For example: "Nam per totum illud obeliscorum cahos nihil sacrarum literarum, nihil ecclesiasticorum Patrum, nihil Canonum, sed omnia scholasticissima, opiniosissima meraque somnia comminiscitur et prorsus ea ipsa, contra quae ego disputo … Sperabam enim quod ex Bibliis vel ecclesiasticis Patribus aut Canonibus contra me pugnaret" (*WA* 1:281,28–282,2). For a more detailed summary of this text, see Fabisch and Iserloh, *Dokumente*, 1:383–97.

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keep this particular dispute out of the public eye, at least temporarily.[18] It is at this point that Karlstadt's involvement played a pivotal role in advancing the controversy. Eck's next public reaction was in response to Karlstadt's *370 et Apologeticae Conclusiones pro sacris literis et wittenburgensibus*, published between the end of May and beginning of June 1518.[19] With this work and the debate it ignited, Karlstadt is the one who brought the disagreement between Eck and Wittenberg further out into the open and instigated a public literary battle with Eck that took place throughout 1518.

The narrative of Karlstadt's decision to become involved in the controversy has often worked along these lines: While Luther was absent in Heidelberg, Karlstadt decided to take matters into his own hands and meddled his way into the affair. Past scholars have even suggested that Karlstadt was jealous of Luther's success at Heidelberg and drafted the *Conclusiones* for selfish and ambitious reasons.[20] While Luther and Eck had decided to keep their disagreement private, Karlstadt's publication made it impossible for the controversy to stay out of the public arena. Luther's June 15 letter to Scheurl is often cited as evidence that Karlstadt was acting without Luther's knowledge or consent.[21] This letter, in a manner similar to Luther's May 19 letter, combines a desire to be reconciled with Eck with the threat that he is not afraid to answer him if necessary. Whether Eck would respond to Luther's *Asterisks* remained an open question for Luther at this time.[22] Luther acknowledges that Eck would need

18 This is evidenced by the fact that the first time either the *Obelisks* or *Asterisks* officially appear in print is the 1545 Wittenberg edition of Luther's Latin works, two years after Eck's death. Further, Luther and Karlstadt both wrote letters to the Elector after the Leipzig Debate (August 18, 1519), which mention that by this point they have still not published this material (*KGK* II, Nrs. 134–35; *WA Br* 1:463–78 [Nr. 192]). Scheurl's efforts toward mediation are evident in his letters to Eck on April 5, 1518 and May 14, 1518, encouraging Eck not to break friendship with those in Wittenberg (*Briefbuch* 2:45, 47–48 [Nrs. 162, 165]). Scheurl was also communicating with Luther to the same end (see n. 21 below).

19 *KGK* I.2:789–861 (Nr. 85).

20 For example, see Karl Bauer, *Die Wittenberger Universitätstheologie und die Anfänge der deutschen Reformation* (Tübingen: J.C.B. Mohr, 1928), 57. Kruse, *Universitätstheologie und Kirchenreform*, 155, rightly points out that there is no evidence to support this interpretation.

21 *WA Br* 1:183,10–12 (Nr. 82, emphasis mine): "At cum iam sint edita Carlstadii nostri problemata me quidem **et invito et ignaro**, non est mihi satis consilii, quid utrisque ipsis sit faciendum." For an older English translation of this letter, see Smith, *Luther's Correspondence* 1:94–95.

22 See also Bubenheimer's recent article, discussed in n. 16 above. Interpreting this letter is further complicated by the fact that we know there were questions about Scheurl's loyalty in Wittenberg at the time, hints of which you can see in the letter itself. See also Scheurl's letter to Eck on May 15, 1518: Soden and Knaake, *Briefbuch* 2:47–48, Nr. 165; Eck, *Briefwechsel*, Nr. 57.

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to respond to Karlstadt to defend his honor and requests that Eck respond with moderation. After all, Eck is the one who began the controversy among friends in the first place.[23] The notion that Luther was frustrated with Karlstadt for intruding or meddling is overstated and mostly based on negative interpretations of Karlstadt. Luther's rhetoric should be kept in mind here, as well as the fact that both Karlstadt and Luther raise similar complaints against Eck and work together during this affair. At its worst, this reasoning can serve to downplay Karlstadt's important contributions in Wittenberg at the time.

What then can be said for Karlstadt's motivations that led to the increase in tensions between the two sides? Karlstadt was invested in propagating the Wittenberg agenda, and had been actively doing so since the spring of 1517. He was motivated both by the need to defend the university and its reputation, but also the opportunity that Eck presented to advance their cause. First, Karlstadt's involvement and interest is not out of character. Ever since his dramatic "conversion," his break from scholasticism and turn to focus on the church fathers and the Bible in early 1517,[24] he had been actively involved in advancing the theological program of the Wittenbergers by strongly opposing scholasticism and publicly advancing an Augustinian understanding of the will, grace, and salvation. His *151 Conclusiones*, appearing a year before in April 1517, shows that he was clearly interested in expanding these themes outside of Wittenberg.[25] His lectures and commentary on Augustine's *De Spiritu et Litera* and his involvement in the curriculum reforms already taking place in Wittenberg all point to the reality that he was already committed to this stand.

A letter to Spalatin on April 11, 1518 reveals that Karlstadt was already anticipating the need to defend the university. He forwarded an appeal to the Elector, written by the students of his well-attended Augustine lectures, which requests the release from his ecclesiastical presence requirements and asks for the associated funds to be replaced through other sources of revenue. His justification for the request is that written attacks against the university are imminent, so it is necessary to have "alert champions free from distractions."[26]

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23 There seems to have been an accompanying letter to Eck, now missing, that was "friendly and full of good will" towards Eck (*WA Br* 1:183,15, Nr. 82). Eck himself mentions this letter in the introduction to his *Defensio* (*CCath* 1:35–37).

24 See Karlstadt's introduction to his commentary on Augustine's *De spiritu et litera* in *KGK* 1.2:560–64 (Nr. 64). See Stefania Salvadori's "Der Augustinkommentar des Andreas Bodensteins von Karlstadt zwischen der Stilisierung einer Bekehrungsgeschichte und der (Wieder-)Entdeckung der biblisch-patristischen Quellen," *Ebenburg-Hefte* 52 (2018): 7–30.

25 *KGK* 1.1:485–511 (Nr. 58).

26 "Scripturos etenim nonnullos adversus claram hanc Academiam autumant, et eam ob causam repugnatoribus nos alacribus, absque turbatione liberis indigere." *KGK* 1.2:755,8–9 (Nr. 75). A dominant theme in Karlstadt's correspondence with Spalatin in the first few

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It is highly likely (especially since by March manuscript copies of Eck's *Obelisks* had appeared in Wittenberg and the burning of Tetzel's theses had taken place) that Karlstadt had begun preparing the *Apologeticae Conclusiones* sometime in April.

Karlstadt provides his motivations for the composition of the *Conclusiones* in his introduction to the work itself. It is clear that Karlstadt interpreted Eck's attack on Luther's *Ninety-Five Theses* as synonymous with an attack on their entire university and their anti-scholastic, pro-Bible and pro-Augustine program. He explains that he will defend his conclusions against those who clearly intend, and even strive, to seriously wound the Wittenbergers and who dare to pervert sacred scripture by judging it through Aristotle, metaphysics, or some other fiction of their own making.[27] Karlstadt then specifically names the "most-learned" Eck as his chief aim:

> Of his own free will [Eck] created a friendship with the Wittenbergers, and then, likewise of his own free will, with no forewarning of the upcoming strife, tore the friendship apart. He dared to denigrate and wound by name an exceptional member of this University to such an extent that through these inflicted wounds … the entire scholarly community at Wittenberg appears as weak and lifeless, but in particular the theology faculty. Indeed, it appears as shattered, blood-spattered, entirely confused, and sad. And finally, since this was not good enough for him, he also lured the Roman pope and bishops so that some have been corrupted by his flattery … He also endeavored to incite other high-positioned church officials against the theologians of this illustrious university. For this reason, we have taken up this matter in the name of our Lord Jesus Christ both to defend the Holy Scriptures as well as to protect our good reputation.[28]

Eck heard rumblings of Karlstadt's intent to challenge him and hurriedly sent a letter to the reformer on May 28.[29] Their exchange demonstrates that in addition to defending the university, Karlstadt saw Eck as an opportunity to

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months of 1518 is his attempts to improve his financial situation in order to focus more on his academic work (see also, *KGK* I.2:743–44 [Nr. 70]).

27 *KGK* I.2:795,8–13 (Nr. 85).

28 *KGK* I.2:795,17–28 (Nr. 85). Translation mine.

29 *KGK* I.2:787 (Nr. 84). English translation in Smith, *Luther's Correspondence* 1:90–91. It is not immediately clear how Eck was informed of Karlstadt's intent to publish against him, perhaps through other contacts in Wittenberg, like Johannes Dölsch mentioned in the May 21 letter to Spalatin (*KGK* I.2:777,17–18 [Nr. 82]). Based on his letter, Eck does not yet have a copy of the *Apologeticae Conclusiones.*

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advance their agenda. In his letter, Eck explains that he never meant to hurt Luther. He is surprised that Karlstadt is so furious with him since his *Obelisks* were intended only for his bishop, a reality quite evident, he argues, from their hasty *ex tempore* style. He specifically asks why Karlstadt does not attack people like Tetzel, who have expressed their harsh opinions of Luther in published writings.[30] On the basis of their friendship, Karlstadt should consider halting what he has planned against him or, at the very least, to inform him before publishing anything. Similar to Luther's earlier proposition, Eck leaves it to Karlstadt to decide what will happen next, couched within language that he will rigorously defend himself if necessary.

Karlstadt responds to Eck in a letter dated June 11, 1518. Since Eck has publicly assailed Luther with such serious accusations of heresy and Bohemian sedition, Wittenberg is forced to make a reply. Eck's argument that he wrote privately against Luther simply does not apply. "Your own Scotus says that anything that is written by its nature makes it public and generally known."[31] In any case, it is too late. The *Conclusiones* are already printed and being sold in Wittenberg. Karlstadt also answers Eck's inquiry as to why he specifically attacked him instead of Tetzel:

> The reason why I chose you particularly for an adversary instead of the illiterate inquisitor or someone like him, was not envy, anger, or passion, but your elegant style, industry, acumen, and, above all, your own salvation and that of the common people. I hope indeed that you will come over to our way of thinking, and out of a Saul be made into a Paul. I did not want to engage in a conflict with a stupid ass, but with a renowned lion and an eloquent Mark, and I thought it would not harm me to train myself a little more in eloquence by your example.[32]

Karlstadt clearly saw Eck as a worthy opponent and Wittenberg's primary one even though he does indeed write theses directed against Tetzel in the *Conclusiones*. Further in the letter, Karlstadt addresses that he would like to maintain their friendship, however, it cannot come at the cost of a false peace that disparages the Scriptures and keeps them hidden. As his introduction to the work makes clear, Karlstadt becomes involved in the controversy not only

30 The *106 Frankfurt Theses* were against Luther's *Ninety-Five Theses.* They were authored by Konrad Wimpina and defended by Tetzel in Frankfurt an der Oder in mid-January. Fabisch and Iserloh, *Dokumente*, 1:310–37. These theses were publicly burned by students in Wittenberg around March 19 (cf. Luther to Lang, March 21, 1518, *WA Br* 1:155).

31 *KGK* I.2:865,10–11 (Nr. 86).

32 *KGK* I.2:865,15–22 (Nr. 86). English translation from Dau, *Leipzig Debate*, 35–36.

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to defend Luther, the university, and its program, but because this had become synonymous for him with defending the Scriptures and the Wittenberg understanding and reading of them against scholasticism. He views Eck, especially if he were to convert to their side, as an opportunity to advance their theological program. While Karlstadt expresses some remorse for the escalation of the conflict, there are certain theological differences between them that cannot be ignored for the sake of truth. These theological differences, as far as Karlstadt is concerned, are critical enough to merit public debate.

3 Karlstadt's Theology: the *Apologeticae Conclusiones* and *Contra Eckium*

Karlstadt's *Apologeticae Conclusiones* is significant not only as the work that brought the controversy out into the open, but also because it was the first public defense of the Wittenberg theology faculty against the various and increasing number of attacks on Luther's *Ninety-Five Theses* which appeared in the first months of 1518.[33] It is a collection of five different series of theses, containing 405 theses altogether, in which Karlstadt defends and articulates

33 The *Apologeticae Conclusiones* were printed by Rhau-Grunenberg in Wittenberg. The latest possible date for the printing of the complete work is June 11, 1518. The date supplied towards the end is May 9, 1518, before an additional 26 theses are added. *KGK* I.2:858,3–4 (Nr. 85). In his letter to Eck on June 11 (*KGK* I.2:865,13 [Nr. 86]), mentioned above, Karlstadt explains that the work is already printed and being bought and sold in Wittenberg. Karlstadt's letter to Spalatin on May 21, 1518 (*KGK* I.2:777,31–33 [Nr. 82]) refers to his later theses against Tetzel, implying that these sheets could already be printed and that the work was either close to being finished or entirely so. It has been assumed by some that this is the completion date for this work; for example, Fabisch and Iserloh, *Dokumente*, 1:381. Karlstadt explains in his foreword that these theses were intended for academic disputation throughout the summer of 1518, and Nikasius Claji, one of Karlstadt's favorite students, is specifically listed as a respondent on the title page of the work (*KGK* I.2:795,15 and 29–30). Claji took part in a disputation with Karlstadt acting as chair on May 14, and the subject matter was most likely on the first series of theses in the *Apologeticae Conclusiones*; Johannes Ficker, ed., *Liber Decanorum: Das Dekanatsbuch der theologischen Fakultät zu Wittenberg* (Halle/Saale: Niemeyer, 1923), 22. Karlstadt wrote a letter to Spalatin (*KGK* I.2:771 [Nr. 80]) on the same day sending along a part of his *Conclusiones*, part of the reasoning for why it was most likely the first series of theses that were debated. This letter is the first time Karlstadt directly mentions his *Conclusiones*. Consistent with comments in his introduction, Karlstadt mentions that he has learned Eck has incited several people against the Wittenbergers. He declares that he does not fear Eck or Tetzel and will refute them with the Bible and the Fathers as his aid (*KGK* I.2:771,6–12 [Nr. 80]).

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Wittenberg's reformation theology against several attackers.[34] Both the fourth and fifth series respond to the theses of Johann Tetzel and Konrad Wimpina, which appeared in mid-January (theses 325–343),[35] as well as to Tetzel's subsequent theses published at the end of April/early May (theses 344–379).[36] It is also likely that the *Conclusiones* address Prierias' *Dialogus*, also dated in April or May (theses 12–22).[37] Yet in his introduction, as seen above, Karlstadt explicitly presents the work as aimed chiefly against Eck.

After setting up his hermeneutical foundation in the first series of theses (theses 1–101),[38] Karlstadt writes over one hundred theses against Eck and his *Obelisks* in the second part of the *Conclusiones* (theses 102–213).[39] His

34 It is designated as "370 & Apologeticae Conclusiones" on the title page as well as in Karlstadt's foreword in the Grunenberg print, even though they are numbered as 380 in the work itself. Karlstadt later adds 26 more theses to the work and the closing remarks mention "406" Conclusiones (380+26). For details, see *KGK* 1.2:790–791 (Nr. 85). Because Grunenberg's print skips a number (from lxxxvi to lxxviii on B1r/B1v), the final numbering is listed as 406. The reprint by Schürer (although also containing some numbering mistakes) has the closing remarks giving the number of "405" Theses (379+26). Karlstadt may have been influenced to print such a high number of theses from the example of Giovanni Pico della Mirandola's 1486 *Conclusiones sive Theses DCCCC*, who also designates further theses at the end of his work as "apologeticae conclusiones." My summary of the content of these theses draws on Ulrich Bubenheimer and Alejandro Zorzin's introduction in *KGK* 1.2:791–94 (Nr. 85), as well as Kruse, *Universitätstheologie,* 153–74 in order to make it available to an Anglophone audience.

35 See n. 31 above.

36 Fabisch and Iserloh, *Dokumente*, 1:369–375. *KGK* 1.2:793, n. 33 (Nr. 85) explains that Karlstadt would have already been quite advanced in his work on the *Apologeticae Conclusiones* when he obtained access to this text.

37 *In praesumptuosas Martini Lutheri conclusiones de potestate papae Dialogus*. Text in Fabisch and Iserloh, *Dokumente*, 1:52–107. Zorzin and Bubenheimer (*KGK* 1.2:793–94 [Nr. 85]) explain that Karlstadt may have been informed by some of his contacts in Rome regarding Prierias' coming assault.

38 The first series of theses are concerned with questions regarding authorities and how to properly order them. They are also concerned with the hermeneutics of Scripture. This important first section sets up the ideological basis for the other four sections and reveals that Karlstadt was already thinking in terms of what Wittenberg's new theological emphases meant in relation to ecclesial norms and authorities.

39 This series of theses may have served as the basis for a disputation in Wittenberg around July 7, 1518, on the occasion of Bartholmeus Bernhardi's promotion. Unfortunately, the entry and information provided in Ficker, *Liber Decanorum* (22) is very sparse. Based on the dating of the Basel reprint discussed below, it has been assumed, beginning with Barge, that these were the theses used in the disputation. See *KGK* 1.2:792–93, n. 30. Karlstadt continues into the third section of the *Apologeticae Conclusiones* (theses 214–324) by outlining his understanding of grace and predestination and focusing especially on the dissonance between philosophy and theology. His theses here strongly critique scholasticism, Aristotelian ethics, and its theory of virtue in particular. Although

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responses articulate the theological differences he saw between Wittenberg and Eck. This second section against Eck was reprinted in a separate Basel edition by Gengenbach entitled *Contra D. Joannem Eckium*, for which the earliest possible print date is September 1518.[40] The reprint has a more pronounced pro-Luther emphasis and presents Karlstadt as a defender of Luther's *Theses*, immediately noticeable in the new title, *Apologeticae Propositiones pro reverendo patre Domino Martino Luther.* This version is more approachable to a lay audience than the original. It removes several of Karlstadt's source citations and helpfully reproduces the relevant text of Luther's *Ninety-Five Theses* and Eck's *Obelisks* so the reader can follow the previous levels of argumentation up to this point. Karlstadt's theses are then clearly divided and numbered into three groups in response to the first three of Eck's *Obelisks*, which in turn were written against theses 1, 2–3, and 5 of Luther's *Ninety-Five Theses*.[41] It is unlikely to have originated in Wittenberg as Karlstadt does not seem to have knowledge of this reprint as late as the end of August. This Gengenbach reprint was then picked up into Froben's Edition of Luther's Latin Writings (also Basel, 1518) and other similar collections, making it more widely disseminated and available to a broader audience from 1518 to 1520 than the printing of the entirety of the *Apologeticae Conclusiones.*[42]

First, Karlstadt writes forty theses confronting Eck's first *Obelisk* against Luther's first thesis. Luther's first thesis states: "When our Lord and Master Jesus Christ said, 'Repent,' he willed the entire life of believers to be one of repentance." Eck's *Adnotatio*: "Since the kingdom of heaven in Christ's words seems to signify the present church and the time of the arriving evangelical fulfillment, it is not apparent how repentance represents the entire life of

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this third section is not included in Gengenbach's reprint, it should also be interpreted in response to Eck.

40 *KGK* I.2:871–898 (Nr. 88). The date on the text is July 7, 1518, but Kaufmann has demonstrated that the earliest it could have been printed is September; Thomas Kaufmann, "Capito als heimlicher Propagandist der frühen Wittenberger Theologie: Zur Verfasserfrage einer anonymen Vorrede zu Thesen Karlstadts in der ersten Sammelausgabe von Schriften Luthers (Oktober 1518)," in *Zeitschrift für Kirchengeschichte* 103 (1992): 81–86. Although Greving (*CCath* 1:14) argues that Eck used this work to draft his *Defensio* (which has an imprint of August 14), it appears that he must have had access to some sort of manuscript form of it, perhaps originating from the July disputation. See the detailed discussion in *KGK* I.2:876 (Nr. 88).

41 The first group: Theses 1–40; the second: 1–51; and third: 1–18. The Gengenbach print incorrectly lists thesis 20 of Luther's *Ninety-Five Theses* instead of thesis 5 for the third group. *KGK* I.2:895,11–13 (Nr. 88), see also n. 143.

42 It was included in five collections of the Latin works of Luther; see *KGK* I.2:871–75 (Nr. 88).

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believers."[43] Karlstadt first challenges what he perceives to be Eck's lack of understanding that the present church required constant repentance.[44] Thesis 1: "Eck does not understand that the Church groans; he denies what the Church confesses and is disgracefully ignorant of its prayers."[45] Karlstadt argues that the church clearly recognizes its own sinfulness and, therefore, its need for constant repentance. This is shown by the church's many liturgical prayers and requests for purification from sin.[46] Eck will later criticize him for using so many liturgical texts, evidence that he was wasting paper.[47] Further, Karlstadt argues that the church should be called the *ecclesia militans* because it always rebels against God, even in good works. No one, even baptized Christians, are without sin. Its members are always fighting within themselves and therefore in need of constant repentance.[48]

Next, Karlstadt addresses Eck's second *Adnotatio* (the first *Obelisk* in the 1545 Wittenberg printing), where Eck defends the importance of inner repentance against Luther's second and third theses. Karlstadt latches on to Eck's

43 "Dominus et magister noster Iesus christus, dicendo, poenitentiam agite, omnem vitam fidelium, poenitentiam esse voluit" (*WA* 1:233; *LW* 31:25). Eck's *Obelisk*: "Cum enim Regnum coelorum in verbis Christi praesentem significare videatur Ecclesiam ac tempus plenitudinis evangelicae tunc adventatis, non videtur, quomodo poenitentia omnem fidelium vitam exprimat," (Fabisch and Iserloh, *Dokumente*, 1:403, translation mine). In his *Asterisks,* Luther criticizes Eck for falling into the very error that his second thesis was meant to prevent. Luther is not speaking of the sacrament of Penance, but of the sinner turning to Christ. Luther challenges Eck to produce a believer who does not live in daily repentance (*WA* 1:282), not unlike Karlstadt's response here.

44 *KGK* I.2:880,4–7 (Nr. 88). Later in his *Defensio*, Eck criticizes Karlstadt for misunderstanding him on this point.

45 "Eckius non intelligit quod ecclesia ingemiscit. negat quod ecclesia confitetur, et turpiter orationes, in quibus versatur ignorat." *KGK* I.2:880,8–10, translation mine; Thesis 102 in *Apologeticae Conclusiones*.

46 Karlstadt cites the liturgical prayers from the *Breviarum Herbipolensis* (1509), the breviary from his hometown diocese. For example, thesis 11 (or thesis 112 in *Apologeticae Conclusiones*): "So that all his attempts at evasion might be tightly shut in, we set before him this collect, 'We pray to you Lord, cleanse the hearts of your believers, that they might be purified from earthly desires, and be withdrawn from the dangers of this present life, etc.'" (*KGK* I.2:881,14–17, translation mine).

47 In Eck's *Defensio* (*CCath* 1:47,10–12): "Consectarium est, D. Bodenstein frustra tot collectas imposuisse et papyrum inutiliter occupasse per xxv conclusiones, in collectis ecclesiae laborando." Also quoted in Karlstadt's *Defensio*, *KGK* I.2:925,6–9 (Nr. 90).

48 Thesis 27: "Attamen universa ecclesia quamdiu militaverit, quotidianae poenitentiae est indiga." Thesis 28: "Ecclesia militans ideo dicitur, quod rebellat semper, et in omni bono opere vitiis atque concupiscentiis impugnatur" (*KGK* I.2:883,7–11). See also, thesis 34: "If a righteous person does good, he sins; he is both good and evil [*bonus et malus*]." (KGK I.2:883,21–22 (Nr. 88), translation mine).

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assertion that the power of the will in the soul is like a "queen in her kingdom."[49] Karlstadt recognized that an aspect of Eck's interest in defending the worth of inner repentance was an underlying notion of the ability of the human will to do good, which he sees Scripture clearly opposing. Karlstadt would continue to see this as a central distinction between Eck and the Wittenberg theology. Drawing on Augustine and a myriad of biblical passages, Karlstadt makes the case that it is God alone who is King and Lord in our soul (thesis 14).[50] God creates in us what he expects of us, and it is only through God's mercy that we can even repent in the first place. Thesis 3: "Eck clearly shows that he is ignorant that repentance is a gift of God, which God effects."[51] Karlstadt speaks of the human will without God as only capable of doing evil. In thesis 48 he asserts himself strongly against the scholastic notion, "facere quod in se est": "Whoever does what is within him, does what is displeasing and deceptive to God."[52] In the following theses, he specifically argues against Capreolus' and Scotus' attempts to mediate between the human will and the work of God.

Lastly, Karlstadt directs eighteen theses against Eck's third *Adnotatio* (the second Obelisk in the Wittenberg print) which defends the worth of ecclesiastically imposed penitence and penalties [*canonum poenas*]. Against Luther's fifth thesis, "The pope neither desires nor is able to remit any penalties except those imposed by his own authority or that of the canons," Eck responded that Luther was clearly in error because this would make the canons a snare instead of salvation.[53] Karlstadt retorts, "Because Eck believes that the canons

49 Luther, theses 2 and 3: "This word (repent) cannot be understood as the sacrament of penance, that is of confession and satisfaction, as administered by the clergy. Yet it does not mean solely inner repentance; such inner repentance is worthless unless it produces various outward mortifications of the flesh" (*LW* 31:25 [*WA* 1:233,12–15]). Eck: "Interiorem poenitentiam magnam esse, Christus et omnes Christiani docuerunt. Siquidem Christus cor aspicit et voluntatem: Vidua hoc docet quae aera minuta duo in gazophylacium posuit, et plus omnibus misit, Ihesu teste. Est etenim voluntas in anima sicut regina in regno." Fabisch and Iserloh, *Dokumente*, 1:405. Cited also in *KGK* 1.2:877, n. 17 (Nr. 88). Luther's response in his *Asterisks* (*WA* 1:283,7–23) is to state that he too considers inner repentance important, but it must have outward manifestations. He also reminds Eck that the will is depraved like a prostitute in a brothel.

50 "Universaliter loquendo, deus est dominus et rex in anima nostra" (*KGK* 1.2:887,17–18 [Nr. 88]).

51 "Idem Eckius se ignorare ostendit, quod Poenitentia est donum dei, quod deus in nobis operator" (*KGK* 1.2:885,26–27 [Nr. 88], translation mine).

52 "Qui facit quod in se est, facit quod deo displicet, mentitur, obloquitur, ac sibi officit" (*KGK* 1.2:894,11–12 [Nr. 88], translation mine).

53 *LW* 31:26 (*WA* 1 :233,18–19). Eck's *Adnotatio*: "Erronea apparet propositio. Nam si Canonum poenas solum accumulative vult ad poenas a Deo impositas concurrere, iam laqueus esset, non salus in Canonibus poenitentialibus, aut si vult eos esse declaratorios (sicut

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are no snare, but rather salvation, he 'judaizes' and does not understand Paul who says 'The Letter kills,' and 'The Law is an office that brings death.'"[54] For Karlstadt, this *Obelisk* shows that Eck favors Law and Letter over grace in clear opposition to Paul and Augustine. Eck attributes more to humankind than to God; he clearly needs Augustine as his teacher.[55] These theses correlate with Karlstadt's work on Augustine's *De Spiritu et Litera*, so it is not surprising that he draws heavily on these themes in his rebuttal of Eck: The Law without grace can only show us what we are not capable of doing ourselves; it cannot then enable us to do it. The existence of the Law and free will is not sufficient to do good works unto salvation.[56] Here he is articulating concepts central to the Wittenberg understanding of salvation.

The themes he emphasizes here would continue to set the tone of their literary controversy throughout 1518: a correct understanding of repentance as a constant necessity, the incapability of the human will to do good, and an Augustinian understanding of grace and salvation. Karlstadt was able to recognize and publicly articulate some of the fundamental theological differences and points of contention between Eck's *Obelisks* and the new theology of Wittenberg.

4 *Defensiones* and the Disputation

The public literary battle continued between Eck and Karlstadt throughout the rest of 1518 and led to the arrangement of a public disputation. Both Eck and Karlstadt issued works entitled *Defensio*. Eck responded to Karlstadt's theses with his *Defensio contra amarulentas Domini Andreae Bodenstein Carolostatini invectiones* in August 1518.[57] Eck reproduces Karlstadt's three groups of theses against his *Obelisks*, and responds in turn with 43, 42, and 26 of his own theses respectively (altogether 111). The layers of the theological debate are now growing complex, although the points of contention between them remain, for the most part, the same. We also see the debate itself begin to form: directly on

in veritate sunt, quod Martinus Lutherus non attendit), profecto remittendo poenam Canonum aliquas poenas remittit," Fabisch and Iserloh, *Dokumente*, 1:405.

54 "Eckius dum in canonibus non laqueum, sed salutem esse putat, et hoc latenter scribit, iudaizat, et Paulum qui dicit, Litera occidit, Item lex est ministratio mortis, non intelligit" (*KGK* 1.2:895,23–896,3).

55 Thesis 2: "Aut plus hominibus quam deo tribuit"; Thesis 3: "Indiget idem Augustino doctore" (*KGK* 1.2:896,4–5 [Nr. 88]).

56 See Theses 7–11 (*KGK* 1.2:896–97 [Nr. 88]).

57 *VD* 16 E 307. Print impression dated August 14, 1518. Edited by Greving in *CCath* 1.

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the title page of this work, Eck challenged Karlstadt to allow their controversy to be decided before the Apostolic See or the faculties of either Rome, Paris, or Cologne.[58] In his concluding *Peroratio* addressed to Karlstadt, Eck explicitly requests for their public literary debate to end here. He sees no point in continuing a literary back-and-forth. Instead, he wants their disagreement to be publicly decided. "What use is it for me here at Ingolstadt to keep shouting against you while you are defending yourself at Wittenberg? This will produce nothing but public offences, waste of time, slanders, divisions, contempt of the Holy Scriptures, and we will both become ridiculous."[59] Eck admonishes Karlstadt to focus on God's glory instead of one's own and to maintain brotherly unity.

Karlstadt did not submit to Eck's requests and responded immediately with his *Defensio adversus Eckii Monomachiam*, completed in September and published in October 1518.[60] On his title page, Karlstadt answers Eck's challenge, saying that he would accept a judgement not only by the Apostolic See or the forenamed faculties, but also "by each and every person who has read – from the beginning to the end – and understood" a sizeable list of works by the church fathers, including Jerome, Augustine, Chrysostom, Cyprian, Cyril, Hilary, Ambrose, Cassian, Gregory, Bernard, and Bede.[61] With this response, Karlstadt asserts his conviction that a proper and diligent reading of the fathers would lead any reader to similar conclusions, while simultaneously calling into question the qualifications of those who might judge their now agreed upon debate.

This focus on the Bible and the church fathers, a constant for Karlstadt since early 1517, remains a theme throughout his *Defensio*. In his dedication letter to Henning Göde and Lorenz Schlamau, the provost and dean at All Saints and professors of Jurisprudence in Wittenberg, Karlstadt presents his case to his audience: he has not been speaking of his own opinions, but only

58 *CCath* 1:33. See Figure 2.1.

59 *CCath* 1:81–82. English translation in Dau, *Leipzig Debate*, 38.

60 *KGK* I.2:903–94 (Nr. 90). Karlstadt seems to have received Eck's *Defensio* on August 28, 1518 (*KGK* I.2:909,12–13 [Nr. 90]), the dating of his dedication letter to Hennig Göde and Lorenz Schlamau. In his concluding word to Eck he states that he began his response right away (*KGK* I.2:993,5–7). It is likely he finished the work by September 14, the dating of his concluding letter to Johann Wortwein (*KGK* I.2:992,1–3 [Nr. 90]), meaning he finished the lengthy work in about two weeks. Karlstadt renames Eck's response a *Monomachia*, or "duel." Eck had used the term "monomachia" in his May 28, 1518 letter to Karlstadt discussed above (*KGK* I.2:787,14 [Nr. 84]). It is also possible that Karlstadt was intentionally employing this Greek term, used for the duel between David and Goliath, from the influence of Augustine in *Contra Julian* (see *KGK* I.2:905, n. 14; see also 925,11–20).

61 *KGK* I.2:907,16–22 (Nr. 90). See Figure 2.2.

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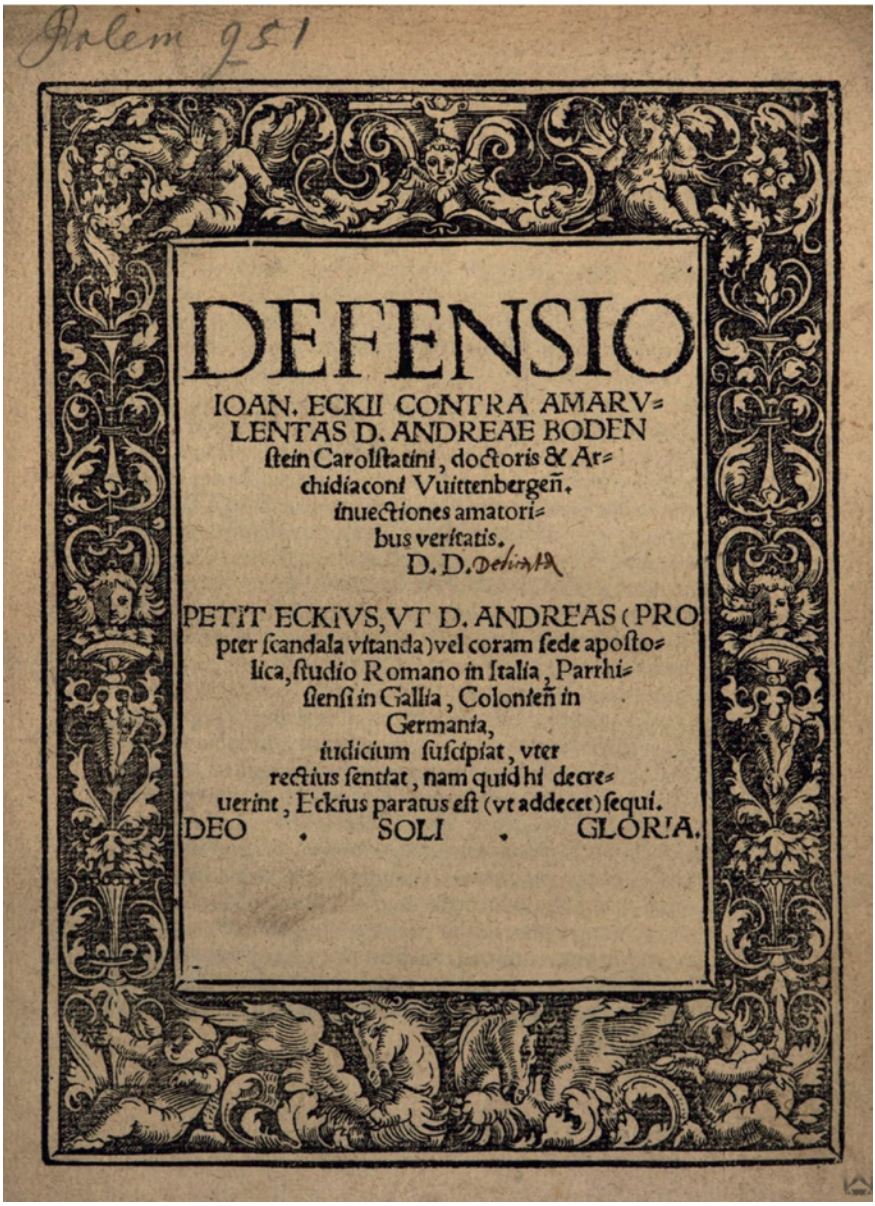
DEFENSIO
IOAN. ECKII CONTRA AMARV=
LENTAS D. ANDREAE BODEN
ſtein Carolſtatini, doctoris & Ar=
chidiaconi Vuittenbergē.
inuectiones amatori=
bus veritatis.
D. D.
PETIT ECKIVS, VT D. ANDREAS (PRO
pter ſcandala vitanda) vel coram ſede apoſto=
lica, ſtudio Romano in Italia, Parrhi=
ſienſi in Gallia, Colonienſi in
Germania,
iudicium ſuſcipiat, vter
rectius ſentiat, nam quid hi decre=
uerint, Eckius paratus eſt (vt addecet) ſequi.
DEO . SOLI . GLORIA.

FIGURE 2.1 *Defensio Titelblatt Ioan. Eckii*
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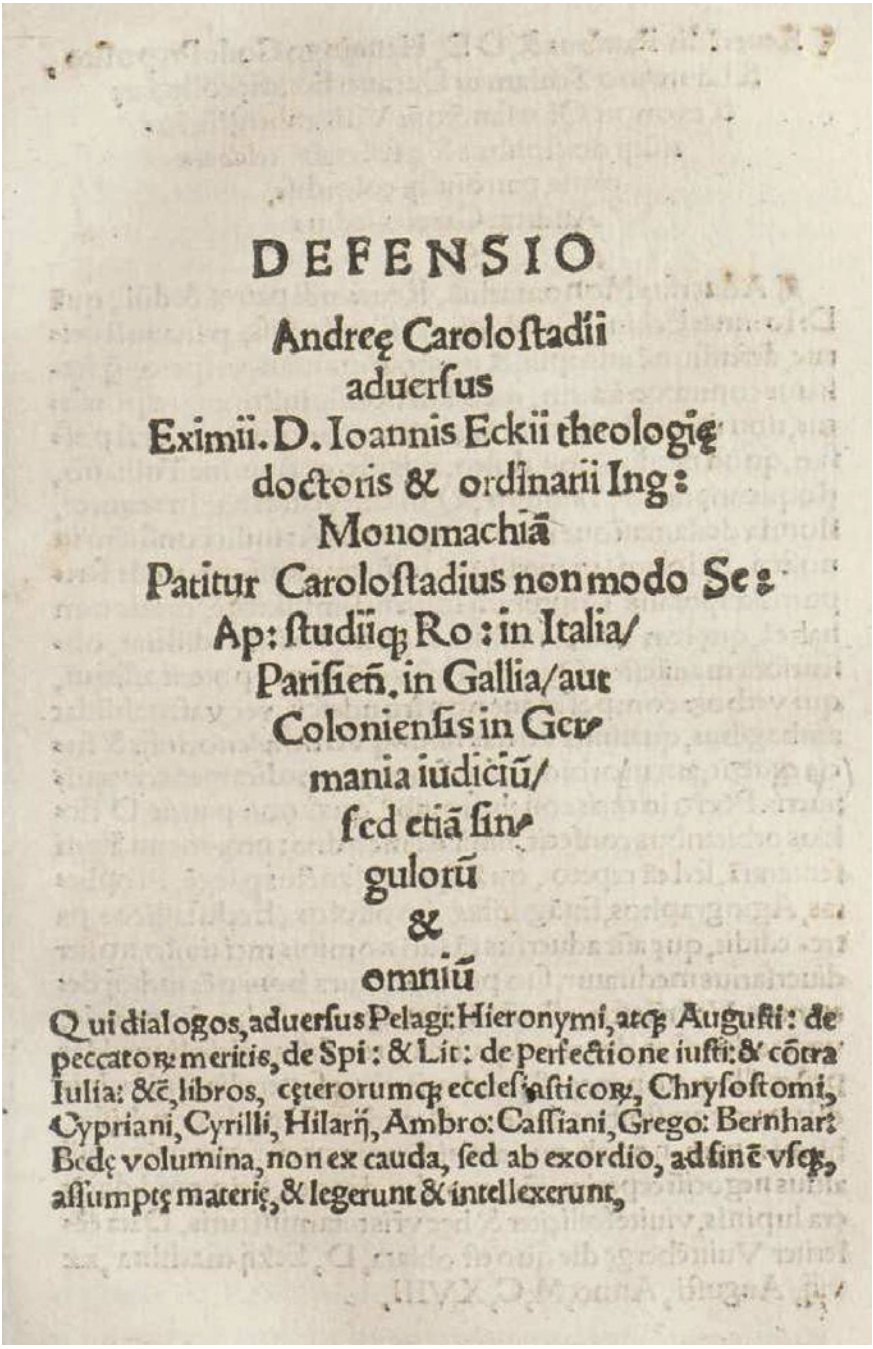

DEFENSIO

Andreę Caroloſtadii
aduerſus
Eximii. D. Ioannis Eckii theologię
doctoris & ordinarii Ing:
Monomachiā
Patitur Caroloſtadius non modo Se:
Ap: ſtudiiq; Ro: in Italia/
Pariſieñ. in Gallia/aut
Colonienſis in Ger-
mania iudiciū/
ſed etiā ſin-
gulorū
&
omniū

Qui dialogos, aduerſus Pelag: Hieronymi, atq; Auguſti: de peccatorū meritis, de Spi: & Lit: de perfectione iuſti: & cōtra Iulia: &c̄. libros, cęterorumq; eccleſiaſticorū, Chryſoſtomi, Cypriani, Cyrilli, Hilarij, Ambro: Caſſiani, Grego: Bernhar: Bedę volumina, non ex cauda, ſed ab exordio, ad finē vſq; aſſumptę materię, & legerunt & intellexerunt,

FIGURE 2.2 *Defensio Titelblatt Karlstadts*
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repeating those of the Bible and the fathers.[62] Instead of using the arguments of Aristotle and the elegance of Cicero, he wishes to imitate the simplicity of the Holy Scriptures and speak in such a way that the meaning is laid bare and the obscure is made clear. In the greeting to Eck that follows, he insists that he has only sought to protect divine truth, not himself. He will respond in such a clear way that Eck will see that he has used unsuitable Scripture texts to support his opinions. They should both desire judges and a judgement congruent with Scripture. In response to Eck's call for peace and brotherly unity, Karlstadt explains that war must sometimes happen for the sake of peace, and he reiterates that we should not want a false peace to the detriment of the truth that has been preserved through the righteous warfare of the fathers.[63]

This time, instead of producing more theses, Karlstadt responds point-by-point in a commentary style to the first two series of theses in Eck's *Defensio*, giving the most attention to the first group.[64] He states that he will discuss the third group of Eck's theses in the continuation of his commentary on Augustine, but this did not occur.[65] In the first series, he criticizes Eck for advancing the argument that repentance (*poenitentia*) refers only to the external sacramental act and not something perpetual and internal in the life of believers as, he argues, is clearly shown from Scripture, the church fathers, and the prayers of the church. He takes full rhetorical advantage of Eck's seeming disdain for his use of church collects as evidence and portrays Eck as someone who does not care what the church prays or thinks. He continues to stress that repentance is the work of God alone and also includes an excursus providing a theology of the cross, based on Augustine and Bernard of Clairvaux.[66] Karlstadt also builds the case that Eck's false understanding of repentance is based on his misconception of the nature of sin as singular misdeeds. Concerning Eck's second series of theses, Karlstadt focuses once again on defending his understanding of the relationship between grace and the human will. He adamantly denies any of Eck's attempts to preserve human ability and asserts that anything good in humankind is worked by God alone. Throughout the *Defensio* he

62 *KGK* I.2:908–9 (Nr. 90).

63 *KGK* I.2:909,15–30. Karlstadt had also argued against a false peace in his June 11, 1518 letter to Eck (see above).

64 This is consistent with his newly-articulated humanist desire to imitate the "simplicity" of the Scripture expressed in both his introduction to this work as well as statements at the end of his commentary on Augustine's *De spiritu et litera*, where he mentions Capito's influence in this change of style (cf. *KGK* I.2:722 [Nr. 64]).

65 *KGK* I.2:991,17–22 (Nr. 90). He explains that this is also necessary due to impediments with the printer.

66 *KGK* I.2:926–35 (Nr. 90).

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consistently criticizes Eck's improper reading and citation of the Bible and the fathers. Even in his closing word, he advises Eck to pay closer attention to the *ecclesiasticos*.[67]

The debate proper was now publicly set into motion and the theological subjects of the debate between Eck and Karlstadt were established. After this, Luther acted as a mediator helping to arrange the details of the debate between Eck and Karlstadt, even meeting with Eck in Augsburg when he was there to meet with Cajetan.[68]

5 Shift in Early 1519

The catalyst that shifted the literary duel away from one primarily between Karlstadt and Eck occurred the last few days of 1518. Eck printed a *schedula*, dated December 29, 1518, including twelve theses in preparation for the upcoming disputation.[69] The title of these theses named only Karlstadt as his opponent, but the content, especially Eck's twelfth thesis, included a return to themes advanced by Luther in his *Ninety-Five Theses* and his *Explanations of the Ninety-Five Theses* rather than those in the preceding literary controversy with Karlstadt. In this thesis, Eck defends papal supremacy in response to Luther's comments in his *Explanations* that the Roman church did not have superiority or jurisdiction over all other churches during the time of St. Gregory.[70]

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67 "Tu idcirco animum ad Ecclesiasticos diligenter appelle" (*KGK* 1.2:993,7–8 [Nr. 90]). Further, in his concluding letter, Karlstadt asks Johann Wortwein to confirm that his motivation all along has been his turn from scholasticism and the defense of the Bible. "For in the defense of the holy scripture (which the opponent has treated miserably) I have directed all and every one of my tremendous efforts; yes, I have committed myself with an oath to defend Scripture, even to the giving up of my spirit" (*KGK* 1.2:992, translation mine).

68 Luther met with Eck at the Carmelite cloister in Augsburg and continued to correspond with him to arrange the details of the debate. See *WA Br* 1:231 (Luther to Eck, November 15, 1518). It also appears that Luther wrote the Leipzig theological faculty on behalf of Karlstadt; Gess, *Akten und Briefe zur Kirchenpolitik Herzog Georgs von Sachsen* (Leipzig: Teubner, 1905) 1:49 (Leipzig Theological Faculty to Duke George, December 1518).

69 *In studio Lipsiensi disputabit Eccius propositiones infra notatas contra D. Bodenstein Carlestadium archdiaconum et Doctorem Wittenburgensem*. These theses were published along with an introductory letter to the Bishop of Salzburg, Matthäus Lang, which explained his controversy with Karlstadt from his perspective. In his later *Disputatio et excusatio*, Eck explains that the work was printed in Augsburg. Luther prints this work in his own response; see n. 74 below.

70 Luther largely drafted his *Resolutiones* or *Explanations of the Ninety-Five Theses* by February 1518, but their publication was postponed until August 1518. Eck is responding

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Karlstadt had never raised this issue of the authority of the papacy and the church.

Luther's reaction at receiving Eck's theses by way of Nuremberg on February 2 shows that he immediately recognized he was being attacked instead of Karlstadt.[71] Especially given the recent history between the two men and Luther's subsequent efforts to mediate the details of the debate between Eck and Karlstadt, Luther once again expresses a strong sense of betrayal at Eck's behavior. When Eck himself sends a letter and the theses to Luther a few weeks later on February 19, it becomes even clearer that he was indeed instigating Luther as his primary opponent and saw Karlstadt primarily as a representative and defender of Luther's views.[72] It should also be noted that significant steps in the Roman process against Luther had occurred by this point.

Eck's *schedula* set off a flurry of renewed and heightened literary activity. All three theologians now publish public challenges in preparation for the debate, which include both theses and open letters. These open letters bear the appearance of dedication letters, but actually allow the authors to frame and declare their positions and make their major charges against the opposing side in a concise format effective for popular consumption. This points to the development of an important new phase in the conflict: It was no longer a strictly intra-academic or theological debate between Eck and Wittenberg. Instead, it was turning into a showdown over "Truth" in the eyes of a steadily growing

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to Thesis 22 (*WA* 1:571) in Luther's *Resolutiones*; translated in *LW* 31:152. Eck's Thesis 12 (Thesis 13 in the reissue of these theses on March 14) intentionally pushes it back from Gregory to Sylvester: "Romanam ecclesiam non fuisse superiorem aliis ecclesiis ante tempora Sylvestri negamus, sed eum, qui sedem beatissimi Petri habuit et fidem, successorem Petri et vicarium Christi generalem semper agnovimus" (*WA* 9:209–10). For an English translation of Eck's 12 Theses, see Dau, *Leipzig Debate*, 58–60.

71 He received the theses through Pirckheimer in Nuremberg (*WA Br* 1:314,40–41). See his letters to Egranus on February 2 and John Lang on February 3 (*WA Br* 1:313–15) for his immediate reaction to the theses. To Egranus he writes that he is now forced to debate his *Ninety-Five Theses* with Eck.

72 Eck to Luther, February 19, 1519, *WA Br* 1:343, especially 14–17 and 22–23: "Vides enim ex scheda disputatoria, me non tam contra Bodenstein, quam contra tuas doctrinas propositiones posuisse." There are prior hints that Eck had not lost interest in combating Luther, as evidenced by their correspondence concerning his *Resolutiones* in December and January [Luther to John Eck, January 7, 1519 (*WA Br* 1:295–97]). In the correspondence between Eck and the Leipzig faculty and Duke George, Eck cites Luther and his *Theses* as the cause of the debate and describes Karlstadt more as a defender and representative of them (see Eck to Duke George [Dec 4, 1518; Gess, *Akten und Briefe*, 1:47] and Leipzig Theological Faculty to Duke George [Dec 16, 1518; Gess, *Akten und Briefe,* 1:49]).

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and interested public.[73] Especially with the introduction of content about the papacy, the debate had taken on a new public and political character.

Luther's response to Eck's maneuvers was swift. He immediately composed his *Disputatio in Studio Lipsensi futura*, which included an "Open Letter" formally addressed to Karlstadt (while also directly addressing Eck) along with twelve counter-theses, the *contra novos et veteres errores*, his first public confrontation with Eck.[74] Throughout his "Open Letter," Luther accuses Eck of deceitfulness and not dealing with Karlstadt's important and insightful theological propositions. Luther makes a strong distinction between the themes Karlstadt planned to debate with Eck and his own, namely the topic of indulgences. Luther then uses this distinction to declare his course of action: he tells Karlstadt not to interact with Eck on these points since Eck is no longer interested in genuine theological discussion. Since it is his "less worthy" topics that are now under attack, Luther announces that he will face him. He ends the letter by asking Karlstadt to join him in writing Duke George or the council of Leipzig to determine a way to have a debate and specifically requests notaries to be present so Eck's free-flowing debate tactics – the so-called "Italian-style" – will not cause confusion as to the true winner. This is a clear shot at Eck: while Eck had fashioned himself as victorious in his book after the Vienna Disputation, many were of the opinion that he was not actually the winner and that there were very few even in attendance.[75]

Luther indeed seems "conscious the conflict was entering a new stage,"[76] and he acted decisively in this open letter to Karlstadt. Luther seems to recognize Eck's *schedula* as a sign that it is time to finally have a public confrontation on these issues. Luther not only re-enters the debate, he intentionally focuses it around the topics of indulgences and the papacy. He takes center stage in the conflict with Eck and appears to push Karlstadt to the side. Luther was soon criticized in Leipzig for publishing this without having first obtained official

73 Cf. Stefania Salvadori's introduction, *KGK* II (Nr. 117).

74 Open Letter in *KGK* II (Nr. 105); *WA Br* 1:316–18; Luther's later amended theses in *WA* 2:160–61. Luther is able to send an exemplar printed by Rhau-Grunenberg to Spalatin on February 7, 1519 (*WA Br* 1:325; *LW* 48:107). The work includes a printing of Eck's letter to Matthäus Lang and Eck's 12 Theses.

75 The Wittenbergers ask for notaries to take precautions and prevent something similar from happening to them. This letter shows that Luther was still under the impression that Leipzig had denied permission for them to debate.

76 Brecht, *Martin Luther*, 1:302. The problem of the pope had occupied Luther since the end of 1518.

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permission to debate. In fact, Luther never received this permission from Duke George prior to arriving for the debate despite at least three separate attempts.[77]

Eck now responded in turn with his *Disputatio et Excusatio* on March 14, 1519.[78] It was printed in both broadsheet and book format, indicating its broad intended audience.[79] The title page now clearly names Luther as his opponent. However, Eck actively worked to keep Karlstadt involved in the debate. Eck reissued his initial theses for the debate, listing both Luther and Karlstadt as his antagonists. Eck adds a new thesis clearly directed at his debate with Karlstadt on the problem of the will (now thesis 7), which he explains he only forgot to include the first time around because he wrote in such haste. Attached is an open letter addressed to Abbot Caspar von Wessobrunn and Johannes von Polling, which responded to Luther's charges. Eck clarifies that he has always seen *both* Karlstadt and Luther as opponents, although he sees Luther as the principal defendant. He should not have to distinguish between them since they defend the same errors. He specifically declares that he will not allow Luther to take Karlstadt away from the arena. He should not emerge unscathed like a "cowardly retreating soldier" after their long literary controversy and Karlstadt's having made the arrangements for the debate so complicated.[80] Eck makes the case that his theses were directed against Karlstadt the entire time and that he believes he has summarized their literary exchanges in them.[81]

Eck uses the open letter to defend himself from the charges Luther has publicly raised against him and frames his position in the debate. Concerning his actions in previous debates, he takes a posture of humility. "If I did debate

77 On February 15, the University of Leipzig complained to Duke George about Luther's letter: 1) because of his outdated and public claim that they would not host the debate, and 2) because he was announcing he would appear in Leipzig without permission (Gess, *Akten und Briefe* 1:69). Luther wrote Duke George an apology on February 19, saying he automatically assumed permission to debate because Eck had attacked him so openly in his theses. The Duke made Luther's participation dependent upon the receipt of Eck's permission, which Eck publicly announced in March but apparently never sent directly to Duke George. See Brecht, *Martin Luther*, 1:303–04. For a summary of the complicated back-and-forth between Luther and Leipzig as well as Leipzig's attempts not to host the debate, see Selge, "Der Weg zur Leipziger Disputation," 189–91.

78 *Disputatio et excusatio Johannis Eccii adversus criminationes F. Martini Lutter ordinis Eremitarum*. Printed in Leipzig. See Fabisch and Iserloh, 2:247–53. The theses themselves are titled *Contra F. Lutter et D. Bodenstein in Liptzen. studio has disputabit positiones Eccius 27. Iunii 1519*.

79 *KGK* II (Nr. 117).

80 "… et quod Lutterus Andream Bodenstein nititur subvertere ex arena non paciar … hoc esset degeneris et timidi militis …," Fabisch and Iserloh, *Dokumente*, 2:249.

81 Fabisch and Iserloh, *Dokumente*, 2:249. English translation of the letter in Dau, *Leipzig Debate*, 88–91.

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when a young man at some universities in Germany and Italy, I did this to train my intellect." He is only an "unprofitable servant" who would sacrifice all to "protect the truth of our faith and of the Catholic Church."[82] Eck also addresses Luther's claims that his friendship with him has been hypocritical. Although he did indeed begin a scholarly friendship with him through the recommendation of their mutual friend, Scheurl, he cannot remain a friend to an enemy of the church. Eck indicates that errors in Luther's writings, such as his *Acta Augustana* and his *Appeal to a General Council*, necessitated a response. Here he presents his understanding of the debate for the public: Luther is an adversary of the church, and with the help of God, he will protect the church and Peter against Luther's errors.

Karlstadt remains noticeably silent for the first few months of 1519 after these new developments. His correspondence with Spalatin on February 24 demonstrates that he was uncomfortable with Luther's twelfth thesis and that he was clearly not interested in addressing the subject of the papacy.[83] At the same time, he still wanted to "bite back" at Eck but would do so with honor for the pope. This, along with his continued work on the *Wagen*, significant as the first effort of visual propaganda in Wittenberg in which he indirectly attacks Eck and Leipzig, reveals his continued desire to confront Eck on their previous points of debate.[84] Karlstadt still considered "scholasticism" Wittenberg's true enemy, not the pope.

Karlstadt finally published his own series of seventeen theses for the debate at the end of April or beginning of May, his *Conclusiones Carolostadii contra D.*

82 Dau, *Leipzig Debate*, 90.

83 *KGK* II (Nr. 108). The letter reveals that Luther and Karlstadt had a private discussion about this thesis in Luther's home, in which Karlstadt advised him against it as he thought that the Greek fathers conceded the primacy to Peter. It reveals some tension between them when Karlstadt writes to Spalatin: "Putas autem fieri posse, ut crassulus acutissimo suadere queat?" Karlstadt was also not the only colleague to advise Luther against this action, including Otto Beckman (letter to Spalatin on February 24, 1519), and Spalatin himself was obviously concerned considering their back-and-forth correspondence on February 24. Scheurl was also concerned (see *Briefbuch* 2, 87). Luther writes in an April 13, 1519 letter to Johannes Lang (*WA Br* 1:368,18–24; translated in Smith, *Luther's Correspondence*, 174): "Eck has signified that our debate will take place on June 27; it will take place between him and me as you can see by the enclosed paper. For Karlstadt will not debate with him on these points, partly because they are mine, and partly because that wily sophist drags in the pope. This would either put Karlstadt in danger of offending the Pope (intolerable to one who holds a prebend), or else by scaring him in this way would crush him without a real fight or a real victory."

84 For more information on Karlstadt's *Currus* and *Wagen*, see *KGK* II (Nr. 110) and II (Nr. 120).

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Joannem Eccum Lipsiae 27. Iunii tuendae.[85] For his theses, he has chosen passages from his *Defensio* that he sees Eck as having misunderstood.[86] In effect, Karlstadt's response to these new developments is simply to continue their previous literary debate. The first ten theses deal with their disagreements about repentance and sin, while the last seven are concerned with the will, grace, and predestination. Not only is he not interested in discussing the papacy, Karlstadt evidently wants to keep their debate a genuine theological discussion on these topics.

He, too, includes an open letter addressed to Eck, which both responds to Eck's allegations and frames his stance in the debate for the public. He begins with a declaration of his loyalty and reverence to Pope Leo and his obedience to the church. Against Eck's "slander": he clearly states that he is not seditious and has clearly submitted himself not only to the judgement of the church but to anyone who has "diligently and carefully examined the church fathers," as is clear from the title page of his *Defensio*.[87] He has no complaint against the Apostolic See. "Does it mean to insult the church when you investigate, rightly discern, and eagerly defend the purity of the Scriptures and the sincerity and truth of the church fathers?"[88] Karlstadt also responds to Eck's comments that he would behave as a cowardly soldier and retreat from the debate. No, Karlstadt will stand up to Goliath and defeat the "perverter of Scripture."[89] He trusts in the Lord who alone gives a courageous heart.

This letter shows that Karlstadt's concern in the debate remains Eck's scholastic theology and his misunderstanding of the Bible and the church fathers. Eck, he argues once again, is wounding not just Wittenberg, but the teaching of Christ and Holy Scripture itself. Eck dangerously misleads the simple and uneducated when he cites the statements of church fathers in his defense. They cannot discern that he is simply collecting an abundance of testimonies that, while seeming to support him at first glance, misunderstand the actual force and meaning of the fathers' arguments. Karlstadt admonishes the reader to question whether Eck is in fact citing the church fathers in an honest or proper manner. Karlstadt expresses concern that the Leipzig theologians should not decide the matter before the meaning of the Scriptures has been thoroughly "brought to light" through careful deliberation.[90] He clearly charges Eck with

85 *KGK* II (Nr. 117); English translation in Dau, *Leipzig Debate*, 96–101. The accompanying letter is dated April 26, 1519, and he sends a copy to Spalatin by May 6, 1519 (*KGK* II [Nr. 118]).

86 *KGK* II (Nr. 117). Stefania Salvadori cites where each passage can be found in his *Defensio.*

87 Dau, *Leipzig Debate*, 98.

88 Ibid., 100.

89 Ibid., 100.

90 Ibid., 99.

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heresy and plain contradiction of the Scriptures. It is Eck who is a false defender of the church. Conversely, Karlstadt and his theological positions represent a proper reading of these sources.

Like Luther, Karlstadt accuses Eck of being consumed by vanity and glory. He, too, cites Eck's behavior after his Vienna disputation as evidence, specifically his wide distribution of his *Disputatio* declaring his great (false) victory in debate. To prevent a repeat of the events in Vienna, their discussions should be written down, as the church fathers themselves would have done. Both Karlstadt and Luther repeatedly express concerns that the debate follow a proper protocol to avoid a similar fate.

Shortly thereafter, in the middle of May, Luther also responds to Eck's March publication and reissues his theses as *Contra novos et veteres errores defendet Martinus Lutherius has positiones sequentes in studio Lipsensi* along with his *Disputatio et excusatio … adversus criminationes D. Johannis Eccii.*[91] Luther adds a thirteenth thesis that responds to Eck's new thesis on the will. He also publicly replies to Eck's accusations with a new Open Letter, this time addressed "To the Good Reader."[92] Like Karlstadt, Luther criticizes Eck's usage of the sayings of a few church fathers and the Bible for his own purposes and opinions: "After they have consecrated them to the Apostolic See, the words change their real meaning and mean anything they please. How wonderful!"[93] Eck should already be able to recognize his "narrow-mindedness" from both Erasmus' letter and Karlstadt's "invincible" *Defensio*.[94] At the end of the letter, Luther defends Karlstadt from Eck's claim of cowardice and praises his work against Eck. Karlstadt, he explains, "has already conquered the error of Eck" and will confidently meet him at the debate.[95]

Luther also uses the open letter to reject the accusations of heresy Eck has laid against him. He points out some of the contradictions between the official church stance and Hussite articles. He mocks Eck for claiming that he alone is correct and that all others have been corrupted by the "poison of Bohemia."[96]

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91 Fabisch and Iserloh, *Dokumente*, 2: 253–57; *WA* 2:153–61.

92 *WA* 2:158–60. English translation in Dau, *Leipzig Debate*, 91–94.

93 Dau, *Leipzig Debate*, 92.

94 Dau, *Leipzig Debate*, 92. For the letter reference, see Erasmus to John Eck, May 15, 1518: Allen, ed., *Opus epistolarum Erasmi Roterodami* (Oxonii: in typographeo Clarendoniano, 1906) 3:330–38 (Nr. 844); English translation found in *Collected Works of Erasmus 6: Letters 842 to 992 (1518–1519)*, trans. R. A. B. Mynors and D. F. S. Thomson (University of Toronto, 1982), 27–36 (Nr. 844). Erasmus' witty and learned response was an important public blow to Eck's reputation. See also the editor's note in the Toronto Edition (ibid., 27) and the previous letter (Nr. 843).

95 Dau, *Leipzig Debate*, 94.

96 Ibid., 93.

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Eck has specifically raised this subject against him because he knows it is an odious one and wishes to arouse anger against him. Eck knows he could not win a victory concerning the other points for debate. Luther explains that Eck is making this political and about hatred of him rather than the discovery of theological truth. In all of this, Luther hopes that at least he will not harm the "pure doctrine of Christ," and that he will defeat "all the false brethren who fight against Christian grace – the Silvesters, Civesters, Cajetans, and Ecks."[97] Luther reveals his awareness of Eck's tactics and deliberately follows along. He focuses his final words in preparation for the debate around his now thirteenth thesis.[98] Now all three actors have placed their stakes for the coming duel.

6 Conclusion

It is now clear that Karlstadt and Luther had developed different emphases in the upcoming debate even as they worked together to defend and advance Wittenberg and the theology it stood for. Indeed, all three actors were experienced debaters and had different goals and rhetorical strategies in the conflict.[99] Eck, who clearly had an interest in and history of public dispute and self-fashioning, did not shy away from advocating for a public confrontation with Karlstadt. Eck appears interested in challenging Luther on his understanding of repentance and the sacrament of penance from the very beginning. Even so, he was willing to keep his initial disagreements with Luther's *Ninety-Five Theses* "private" until Luther began advancing in the Roman process and publicly questioning papal primacy. Eck is then able to stylize himself as a faithful defender of the church and pope against error and does so quite skillfully.

Luther strategically uses the surrounding events, including Eck's Vienna Disputation and his "deceitful" behavior and history with him, to present Eck as a vain-glorious opponent who is only interested in his own advancement with the curia instead of theological truth.[100] Luther recognizes that he is

97 Ibid., 94.

98 Luther also published a book on his thirteenth thesis directly preceding the Disputation, his *Resolution on the Thirteenth Thesis Concerning the Power of the Pope* (*WA* 2:180–240).

99 Anselm Schubert ("Libertas Disputandi: Luther und die Leipziger Disputation als akademisches Streitgespräch," *Zeitschrift für Theologie und Kirche* 105 [2008]: 411–42) discusses the importance of seeing Luther and Eck as gifted disputers and the necessity of understanding the disputation practices of the day for understanding Leipzig. See also Henning Bühmann's essay in this volume.

100 For example, see Luther's Open Letter discussed above: *WA Br* 1:316–18.

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being attacked, but rather than retreat he consciously steps into the debate and re-focuses the discussion to one on indulgences and the papacy even as his colleagues and friends oppose this move. Luther seemed to know it was time to publicly confront Eck. These topics became central to Luther's resonance with the broader public and to the Leipzig Disputation's emergence as the pivotal public event that it was.

Ever since his "conversion" in early 1517, Karlstadt was resolved to combat scholasticism and push the Wittenberg agenda for the right reading of the Bible and the church fathers (especially Augustine). This is clear beginning with his *151 Conclusiones* and remains his consistent focus leading up to the Leipzig debate itself. His conviction to publicly advance this agenda outside of Wittenberg is what led to his *Apologeticae Conclusiones* and to the instigation of the public literary battle and eventual disputation with Eck. The theological and methodological themes that Karlstadt decided to focus on in the conflict and his consistent claims that he is simply restating the content as well as style of the church fathers and Scripture show that this was and remained his central concern, at least in the context of this debate.[101]

Karlstadt and Eck did debate their theological differences at Leipzig but, not surprisingly, they were largely overshadowed by Eck and Luther's turn to the subject of papal primacy, a point that Karlstadt was not ready or willing to debate at this time. This had the result that Karlstadt's major theological contentions with Eck on behalf of the Wittenberg theology fell into a secondary position. Some of these would naturally come to the fore again later – between Erasmus and Luther over the freedom of the will, for example. Eck and Luther both orchestrated and were able to sense the shift towards a more political and public debate than one strictly concerning theological questions, sources, or hermeneutics. Karlstadt seems to have missed this as he worked to keep the debate about his previous theological concerns and avoided discussing the papacy. While Karlstadt was an exceptional theologian and the first public, academic defender of Luther, Wittenberg, and its program, his refusal to discuss the papacy and his performance at the disputation itself helped to solidify the perception that he was a marginal figure in relation to Luther. His role can be seen more like the opening act that set the stage for Luther, the champion and hero of these causes at Leipzig.

101 Stefania Salvadori's forthcoming article, "Karlstadt und die Leipziger Disputation," (see n. 1 above) suggests that a factor in Karlstadt's marginalized role at Leipzig may be due to his newer and more radical theological orientation by early 1519, as evidenced by the end of his commentary on Augustine's *de spiritu et litera* and his *Epitome* (*KGK* II [Nr. 103]).

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CHAPTER 3

Wittenberg's Disputation Culture and the Leipzig Debate between Luther and Eck

Henning Bühmann

When Luther, Karlstadt, and Eck met in the summer of 1519 in Leipzig, they took part in something with which each of them was – on the basis their academic training as well as their regular work – familiar: a disputation. Indeed, according to Anselm Schubert, Luther and Eck were especially known as skillful participants in academic debates, and they also enjoyed this part of their academic duties.[1] As Schubert has shown in his masterful essay, crucial to

1 "Mit Luther und Eck trafen Männer aufeinander, die nach eigener Aussage außerordentlich gerne disputierten und als berühmte Disputatoren galten, bzw. sich selbst dafür hielten." Anselm Schubert, "Libertas Disputandi: Luther und die Leipziger Disputation als akademisches Streitgespräch," *Zeitschrift für Theologie und Kirche* 105 (2008): 411–42, at 441 n. 150. Numerous thanks are due in relation to this article: to my *Doktorvater* Anselm Schubert for important insights on disputation culture; to the pan-European research group "Humanities in the European Research Area" for funding my participation in the International Congress on Luther Research in Wittenberg in August 2017 at which I made two presentations (out of which this article grew) on my habilitation project, "Theses and Disputations in Wittenberg 1516 to 1523," as well as for funding further research in the HERA-project "Protestant Legacies in Nordic Law"; to Professor Thomas Kaufmann (Göttingen) for his generous support and his inspiring ideas and comments; to Professor Ulrich Bubenheimer (Reutlingen) for pointing me to pertinent sources and articles, for our discussions on various points, and for reading a draft of this article; to Dr. Stefania Salvadori from the Karlstadt edition (Göttingen) for sharing important articles and manuscripts and for her comments on the first draft; and to Doctor Alejandro Zorzin (Göttingen) for putting me on to pertinent literature and for the digitalization of certain sources. I was not able to observe the following, recently published articles, which have bearing on the topic: Stefania Salvadori, "Der Augustinkommentar des Andreas Bodenstein von Karlstadt zwischen der Stilisierung einer Bekehrungsgeschichte und der (Wieder-)entdeckung der biblisch-patristischen Quellen. 111. reformationsgeschichtlicher Vortrag, Ebernburg 29. Oktober 2017." *Blätter für Pfälzische Kirchengeschichte und religiöse Volkskunde* 85 (2018): 241–64; Ulrich Bubenheimer, "Andreas Karlstadts und Martin Luthers frühe Reformationsdiplomatie: Thesenanschläge des Jahres 1517, Luthers 'Asterisci' gegen Johannes Eck und Wittenberger antirömische Polemik während des Augsburger Reichstags 1518. 112. reformationsgeschichtlicher Vortrag, Ebernburg 13. Mai 2018," *Blätter für pfälzische Kirchengeschichte und religiöse Volkskunde* 85 (2018): 265–302. Especially Professor Bubenheimer's article contains valuable contributions for Wittenberg's disputation culture and for the controversy between Luther, Eck and Karlstadt. Thomas Kaufmann's forthcoming *Die Mitte der Reformation: Eine Studie zu Buchdruck und Publizistik im deutschen*

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understanding the Leipzig Debate is to see that it was shaped by a common culture of disputations followed by all universities across Europe.

A disputation can be defined as a strictly regulated debate often based on a certain *quaestio*.[2] In the sixteenth century the controversial issues were usually comprised of a set of theses. Furthermore, there are certain roles played by persons within the disputation. A *magister* serving as *praeses* had to formulate the question and determine the result of the disputation. A *respondens* had to defend the theses and different *opponentes* had to attack them.[3] The reason that the disputation was so highly prized had, as Anselm Schubert puts it, to do with a common belief in its utility as a functional, logical process of determining the truth according to a strict set of rules.[4]

The purpose of these logical and dialectical rules was to produce objective knowledge. Therefore, it was essential that the disputation followed such rules: Disputations had to be conducted or at least supervised by doctors, while participants were obliged to base their arguments on the traditional authorities and had to desist from *ad hominem* arguments and heresy charges against the other participants. Furthermore, the *modus procedendi* of arguing in a disputation was strictly prescribed.[5] Thus, for our reconstruction of disputations it is crucial to recognize their oral character. The written theses, we know, were only the basis for complex and highly ritualized argumentation. Apart from academic instruction and written disputations, an essential part of learning these rules was taking part in disputations. This was an essential part of every medieval and early modern instance of higher education.[6]

Since the Leipzig Disputation is the only disputation from the early reformation period whose proceedings were protocolled by lawyers, it is very difficult

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Sprachgebiet, zu ihren Akteuren und deren Strategien, Inszenierungs- und Ausdrucksformen, Tübingen: Mohr Siebeck 2019, will also include an innovative analysis of the battle of books preceding the Leipzig Debate.

2 In the 16th century the *quaestio* was subsequently replaced by a set of theses; cf. Jan-Hendrik de Boer, "Disputation, *quaestio disputata*," in *Universitäre Gelehrtenkultur vom 13.–16. Jahrhundert: Ein interdisziplinäres Quellen- und Methodenhandbuch*, ed. Jan-Hendryk de Boer, Maran Füssel, and Maximilian Schuh (Stuttgart: Franz Steiner Verlag, 2018), 221–254, at 227–28.

3 For the usual proceedings of a disputation, cf. de Boer, "Disputation," 232. For further literature on medieval and early modern disputation culture, see Marion Gindhart, Hanspeter Marti, and Robert Seidel, eds., *Frühneuzeitliche Disputationen: Polyvalente Produktionsapparate gelehrten Wissens* (Köln: Böhlau, 2016); Alex J. Novikoff, *The Medieval Culture of Disputation: Pedagogy, Practice and Performance* (Philadelphia: University of Pennsylvania Press, 2013).

4 Schubert, "Libertas disputandi," 413.

5 On the rules of disputations, ibid., 415–19.

6 Examples from medieval times include student protocols as well as published versions of disputations. Cf. de Boer, "Disputation," 223, 231–32.

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for us to reconstruct these rules.[7] For an understanding of the Leipzig Debate, it is, therefore, important to become acquainted with this culture of disputations. Memorial culture of the Leipzig Debate tends to describe it as a confrontation of two radically different kinds of theology, as can be shown by several historicist paintings of the nineteenth century.[8] This imagination also tends to influence our own imagination of disputations in general. Yet, for Luther's and Eck's contemporaries, this antagonistic view of debates did not encompass the whole story. In a picture from the statute book of the Collegium Sapientiae in Freiburg, published in 1497,[9] another view of disputations emerges: Pictured is one of the disputations which the statutes ordered to take place every week in the college.[10] This illustration shows one person in front of a group counting arguments on his finger, while several other people are consulting their books or writing arguments. An hourglass in the background is obviously supposed to regulate the time of speech of the person in front of the group. The whole situation looks more like a classroom setting than a heated argument. The picture does not show a special occurrence but an everyday situation. The early modern experience of disputations was probably shaped more by this classroom experience of weekly practice-disputations and by disputations during graduations than by more dramatic events, as some depict the exercise at Leipzig.

In this essay, I mean to demonstrate how Luther, Karlstadt, and Eck were shaped by this common culture of disputations, and that this common culture of disputations is crucial to understanding the proceedings at Leipzig in 1519. I will concentrate on the example of Wittenberg University. Apart from its obvious significance for the academic practice and disposition of two participants in the Leipzig Debate, a look at Wittenberg provides many surviving sets of disputation theses, which offer a unique opportunity to analyze the importance of disputations for academic life in general.[11] I will commence my

7 Cf. Schubert, "Libertas disputandi," 414–15; for Schubert's excellent reconstruction of Luther's and Eck's argumentation in Leipzig, see ibid., 419–40.

8 Cf. Doreen Zerbe, "Bilder der Leipziger Disputation," in *Die Leipziger Disputation 1519: 1. Leipziger Arbeitsgespräch zur Reformation*, ed. Markus Hein and Armin Kohnle, (Leipzig: Evangelische Verlagsanstalt, 2011), 143–58. One example is the painting "Disputation at Pleissenburg," Max Seliger (1865–1920) from around 1900; a lithographic reproduction of this painting is digitized at Wikipedia, https://de.wikipedia.org/wiki/Leipziger_Disputation#/media/File:Leipziger_Disputation_1519.jpg accessed on September 17, 2018.

9 Cf. Johannes Kerer, ed., *Statuta Collegii Sapientiae* (Freiburg in Breisgau: 1497; facsimile Lindau: Thorbecke, 1957), 39 r.

10 Cf. the text of the college statutes, ibid.

11 Important works on Wittenberg's disputation culture include Ulrich Bubenheimer, "Scandalum et ius divinum: Theologische und rechtstheologische Probleme der ersten reformatorischen Innovationen in Wittenberg 1521/22," *Zeitschrift für Rechtsgeschichte*

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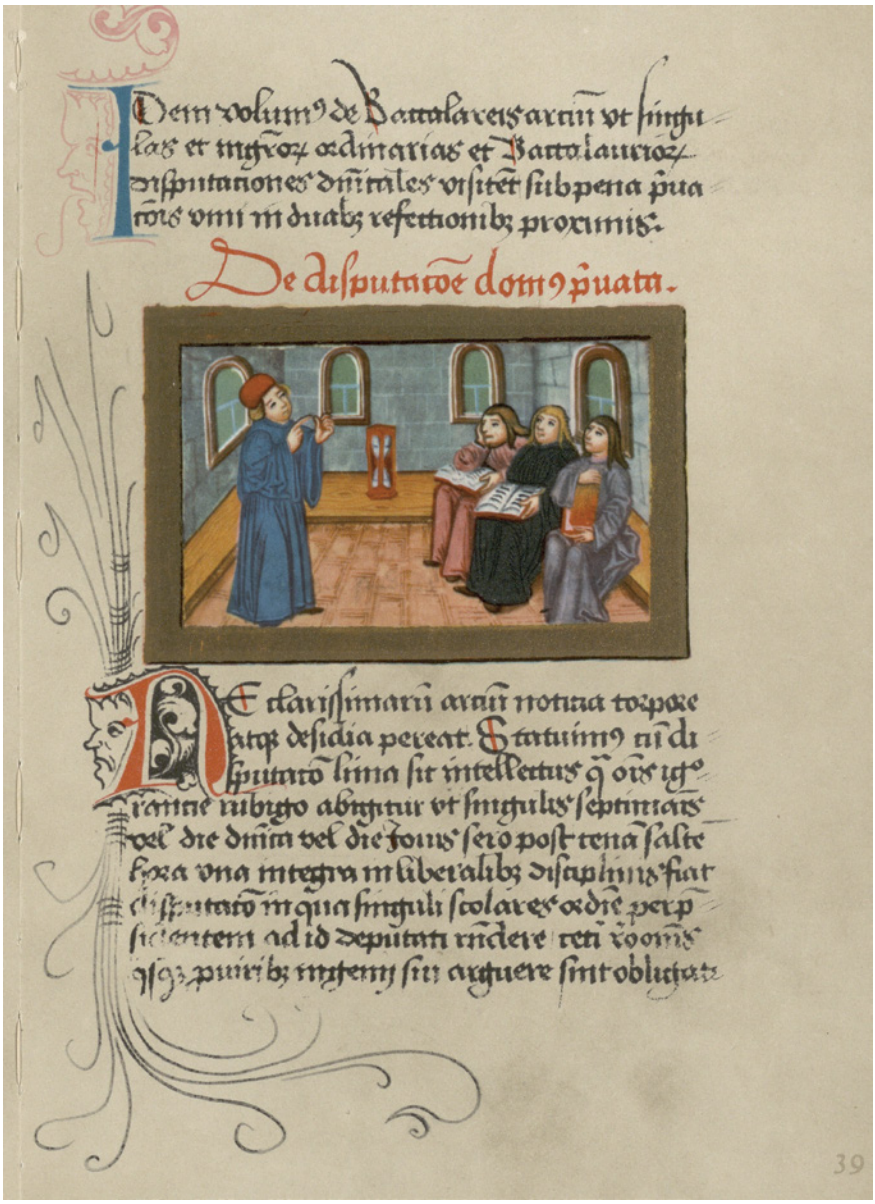

FIGURE 3.1 Disputation at Collegium Sapientiae Freiburg, from the facsimile of the College statutes in: Johannes Kerer, *Statuta Collegii Sapientiae: Satzungen des Collegium sapientiae zu Freiburg im Breisgau 149*. Lindau: Jan Thorbecke, 1957, 39 r.
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essay by giving an overview of disputation culture in Wittenberg in the early sixteenth century and then proceed to discuss the importance of disputations as a means of discussing theological questions raised by the *causa Lutheri*. Finally, I will suggest how this context is able to improve our understanding of the Leipzig Debate.

1 Academic Disputations in Wittenberg

Although the University of Wittenberg was founded first in 1502,[12] due to the *causa Lutheri*, it quickly became a pan-European center of learning that has left a surprising number of disputation theses behind. More than 85 sets of theses published by theologians of Wittenberg's theology faculty are extant. These theses reflect only a portion of the disputations that took place in Wittenberg (for only twenty-two of sixty-nine graduations mentioned in the Book of the Dean are the disputation theses still known).[13] Nevertheless, this

der Savigny-Stiftung. Kanonistische Abteilung 59 (1973): 263–342; Paul Drews, ed., *Disputationen Dr. Martin Luthers: In d. J. 1535–1545 an der Universität Wittenberg gehalten* (Göttingen: Vandenhoeck und Ruprecht, 1895): VII–XLIV; Leif Grane, *Contra Gabrielem: Luthers Auseinandersetzung mit Gabriel Biel in der Disputatio Contra Scholasticam Theologiam 1517* (Copenhagen: Gyldendal 1962); Volker Leppin, "Disputationen als Medium der Theologie- und Kirchenreform in der Reformation: Zur Transformation eines akademischen Mediums," in *Transformationen: Studien zu Wandlungsprozessen in Theologie und Frömmigkeit zwischen Spätmittelalter und Reformation* (Tübingen: Mohr Siebeck, 2015), 419–28; Volker Leppin, "Zuspitzung und Wahrheitsanspruch: Disputationen in den Anfängen der Wittenberger Bewegung," in *Reformation und Rationalität*, ed. Hermann J. Selderhuis and Joachim Waschke (Göttingen: Vandenhoeck & Ruprecht, 2015), 43–57; Volker Leppin, ed., *Reformatorische Theologie und Autoritäten: Studien zur Genese des Schriftprinzips beim jungen Luther* (Tübingen: Mohr Siebeck, 2015); Bernhard Lohse, "Luther als Disputator (1963)," in *Evangelium in der Geschichte, vol. 1: Studien zu Luther und der Reformation* (Göttingen: Vandenhoeck & Ruprecht, 1988), 250–64; Reinhard Schwarz, "Disputationen," in *Luther Handbuch*, ed. Albrecht Beutel (Tübingen: Mohr Siebeck, 2005), 328–40; Ernst Wolf, "Zur wissenschaftsgeschichtlichen Bedeutung der Disputationen an der Universität Wittenberg im 16. Jahrhundert," in *450 Jahre Martin-Luther-Universität Halle-Wittenberg, Band 1: Wittenberg 1502–1817*, ed. Kurt Aland (Halle-Wittenberg: Selbstverlag, 1952), 335–44.

12 For a history of the theological faculty of Wittenberg cf. Walter Friedensburg, *Geschichte der Universität Wittenberg* (Halle: Niemeyer, 1917); Jens Martin Kruse, *Universitätstheologie und Kirchenreform: Die Anfänge der Reformation in Wittenberg 1516–1522* (Mainz: von Zabern, 2002).

13 This calculation is the result of preliminary research on printed theses and an analysis of the Dean's Book. The collection of these theses from Wittenberg will provide the basis for my habilitation thesis on "The Early Wittenberg Theses." The results will also be published in an online database.

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collection constitutes the best-documented case of a university in the early sixteenth century. For Ingolstadt, for example, there are only fourteen sets of theses still known to us.[14]

This remarkable transmission of disputation theses can, of course, be explained by their importance for the development of Reformation theology. Before examining the *Sitz im Leben* of these disputations, a sketch of the theses' collection and distribution, as deduced from printings of theses, is in order. The controversial publication process of Luther's *Ninety-Five Theses* would be one well-known example.[15] While most theses were originally published as poster prints (*Einblattdruck*) in Wittenberg, according to the findings of nineteenth-century bibliographers, only four of these original prints are extant.[16] The original print of Martin Luther's *Theses against Scholastic Theology*, which was found in 1983 in Wolfenbüttel, seems to be fairly typical.[17]

These printed sets of theses provided the basis for several editions of Wittenberg theses published in the early 1520s in Leiden, Paris and Basel.[18] Their texts were obviously dependent on the circulation of printed or handwritten sets of theses from Wittenberg, inside and outside the Holy Roman Empire.[19] They provided a colorful insight into disputations in Wittenberg and

14 Cf. Bernd Moeller, "Thesenanschläge," in *Luthers Thesenanschlag: Fakt oder Fiktion*, ed. Joachim Ott and Martin Treu (Leipzig: Evangelische Verlagsanstalt, 2008), 9–31, at 19.

15 On this discussion, see the articles in Ott and Treu, *Thesenanschlag*.

16 Cf. Moeller, "Thesenanschläge," 18–24. The publication of printed sets of theses in preparation for a disputation was only introduced in the early sixteenth century. Cf. de Boer, "Disputation," 232.

17 Cf. Kurt Aland, "Die theologischen Anfänge Martin Luthers: Bemerkungen zu seinen frühen Thesenreihen anläßlich des Wolfenbütteler Fundes des Originaldruckes der Thesen gegen die scholastische Theologie," in *Der Durchbruch der reformatorischen Erkenntnis bei Luther – Neuere Untersuchungen*, ed. Bernhard Lohse (Stuttgart: Steiner-Verlag, 1988), 233–44.

18 *Insignium theologorum Domini Martini Lutheri, domini Andree Carolostadij, Philippi Melanthonis et aliorum conclusiones varie pro diuine gratie defensione ac commendatione: contra scolasticos et pelagianos: disputate in preclara academia Vvittenbergensi …* (Leiden: Jan Seversz, 1521). *Insignium theologorum Domini Martini Lutheri, domini Andree Barolostadij, Philippi Melanthonis et aliorum conclusiones varie, pro diuinae gratiae defensione ac commendatione, contra scolasticos et pelagianos disputate in praeclara academia. Vvittembergensi …*, (Paris: Pierre Vidoue, 1521?). *Christianissimi Vvittenbergensis Gymnasii multarum Disputationu(m) paradoxe et plane enigmata in Papistica illa mendaciis Confusissima ecclesia* (Basel: Adam Petri, 1521). *Lutheri, Melanch., Carolostadii etc. propositiones viva voce tractatae, in hocque pleraeque; aeditae ab auctoribus, ut vel nos absentes cum ipsis agamus, vel certe ut veritatis, et seductionum admoneatur boni …* (Basel: Adam Petri, 1522).

19 The collection of theses in Leiden (which was reprinted in Paris) was – like other printings of disputation-related material by Jan Seversz – probably based on material

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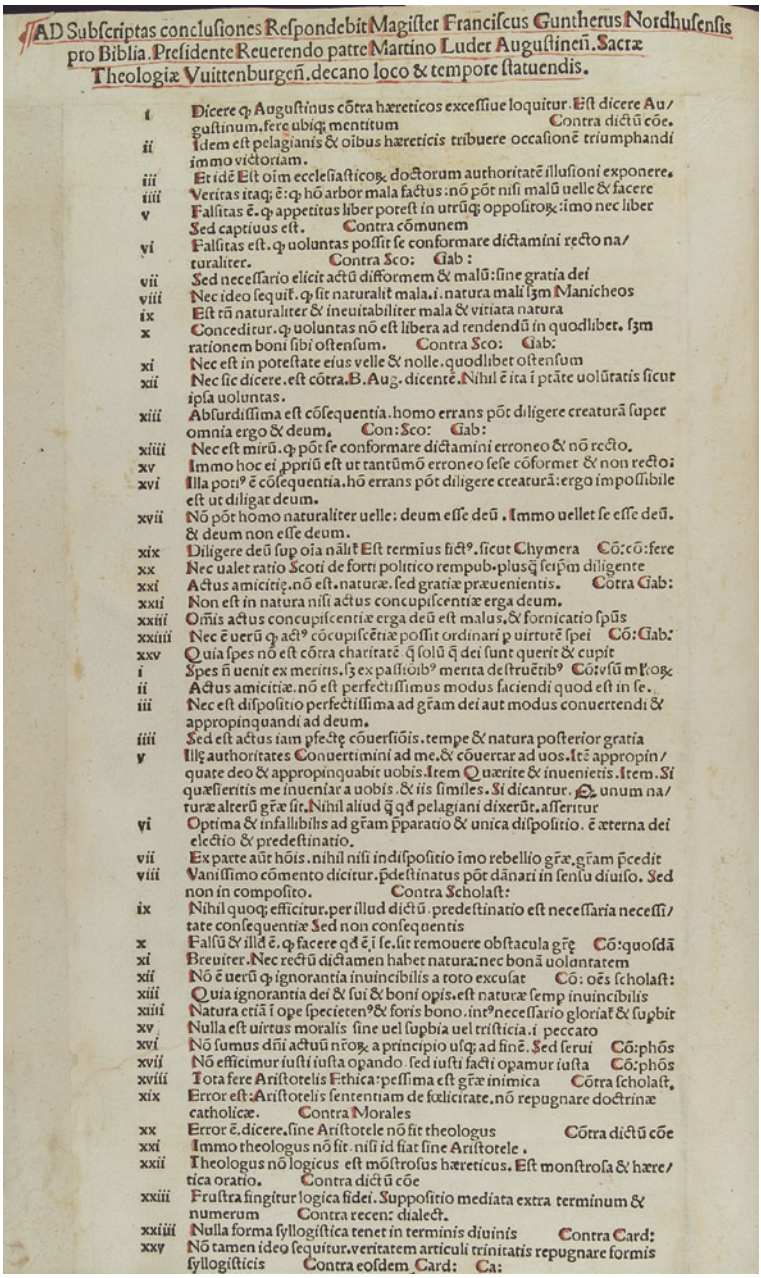

AD Subscriptas conclusiones Respondebit Magister Franciscus Guntherus Nordhusensis pro Biblia. Presidente Reuerendo patre Martino Luder Augustineñ. Sacræ Theologiæ Vuittenburgeñ. decano loco & tempore statuendis.

i Dicere q; Augustinus cõtra hæreticos excessiue loquitur. Est dicere Augustinum. fere ubiq; mentitum Contra dictũ cõe.
ii Idem est pelagianis & oibus hæreticis tribuere occasionẽ triumphandi immo victoriam.
iii Et idẽ Est oim ecclesiasticoꝝ doctorum authoritatẽ illusioni exponere.
iiii Veritas itaq; ẽ: q; hõ arbor mala factus: nõ põt nisi malũ uelle & facere
v Falsitas ẽ. q; appetitus liber potest in utrũq; oppositoꝝ: imo nec liber Sed captiuus est. Contra cõmunem
vi Falsitas est. q; uoluntas possit se conformare dictamini recto naturaliter. Contra Sco: Gab:
vii Sed necessario elicit actũ difformem & malũ: sine gratia dei
viii Nec ideo sequit. q; sit naturaliter mala. i. natura mali ꝫm Manicheos
ix Est tũ naturaliter & ineuitabiliter mala & vitiata natura
x Conceditur. q; uoluntas nõ est libera ad rendendũ in quodlibet. ꝫm rationem boni sibi ostensum. Contra Sco: Gab:
xi Nec est in potestate eius velle & nolle. quodlibet ostensum
xii Nec sic dicere. est cõtra. B. Aug. dicentẽ. Nihil ẽ ita i ptãte uolũtatis sicut ipsa uoluntas.
xiii Absurdissima est cõsequentia. homo errans põt diligere creaturã super omnia ergo & deum. Con: Sco: Gab:
xiiii Nec est mirũ. q; põt se conformare dictamini erroneo & nõ recto.
xv Immo hoc ei ꝓpriũ est ut tantũmõ erroneo sese cõformet & non recto:
xvi Illa potꝰ ẽ cõsequentia. hõ errans põt diligere creaturã: ergo impossibile est ut diligat deum.
xvii Nõ põt homo naturaliter uelle: deum esse deũ. Immo uellet se esse deũ. & deum non esse deum.
xix Diligere deũ sup oĩa nãlit Est termius ficꝰ. sicut Chymera Cõ: cõ: fere
xx Nec ualet ratio Scoti de forti politico rempub. plusq; seipm diligente
xxi Actus amicitię. nõ est. naturæ. sed gratiæ præuenientis. Cõtra Gab:
xxii Non est in natura nisi actus concupiscentiæ erga deum.
xxiii Oĩs actus concupiscentiæ erga deũ est malus. & fornicatio spũs
xxiiii Nec ẽ uerũ q; actꝰ cõcupiscẽtiæ possit ordinari p uirtutẽ spei Cõ: Gab:
xxv Quia spes nõ est cõtra charitatẽ. q; solũ q; dei sunt querit & cupit
i Spes ñ uenit ex meritis. ꝫ ex passionibꝰ merita destruẽtibꝰ Cõ: vsũ mꝫoꝝ
ii Actus amicitiæ. nõ est perfectissimus modus faciendi quod est in se.
iii Nec est dispositio perfectissima ad gr̃am dei aut modus conuertendi & appropinquandi ad deum.
iiii Sed est actus iam pfectę cõuersionis. tempe & natura posterior gratia
v Illę authoritates Conuertimini ad me. & cõuertar ad uos. Itẽ appropin/quate deo & appropinquabit uobis. Item Quærite & inuenietis. Item. Si quæsieritis me inueniar a uobis. & iis similes. Si dicantur. ꝫ unum natu/ræ alterũ gr̃æ sit. Nihil aliud q; qđ pelagiani dixerũt. asseritur
vi Optima & infallibilis ad gr̃am pparatio & unica dispositio. ẽ æterna dei electio & predestinatio.
vii Ex parte aũt hõis. nihil nisi indispositio imo rebellio gr̃æ. gr̃am p̃cedit
viii Vanissimo cõmento dicitur. p̃destinatus põt dãnari in sensu diuiso. Sed non in composito. Contra Scholast:
ix Nihil quoq; efficitur. per illud dictũ. predestinatio est necessaria necessitate consequentiæ Sed non consequentis
x Falsũ & illã ẽ. q; facere qđ ẽ i se. sit remouere obstacula gr̃ę Cõ: quoslã
xi Breuiter. Nec rectũ dictamen habet natura: nec bonã uolantatem
xii Nõ ẽ uerũ q; ignorantia inuincibilis a toto excusat Cõ: oẽs scholast:
xiii Quia ignorantia dei & sui & boni opis. est naturæ semp inuincibilis
xiiii Natura etiã i ope specieten⁹ & foris bono. int⁹ necessario gloriat & supbit
xv Nulla est uirtus moralis sine uel supbia uel tristicia. i peccato
xvi Nõ sumus dñi actuũ nr̃oꝝ a principio usq; ad finẽ. Sed serui Cõ: phõs
xvii Nõ efficimur iusti iusta opando. sed iusti facti opamur iusta Cõ: phõs
xviii Tota fere Aristotelis Ethica: pessima est gr̃æ inimica Cõtra scholast.
xix Error est: Aristotelis sententiam de fœlicitate. nõ repugnare doctrinæ catholicæ. Contra Morales
xx Error ẽ. dicere. sine Aristotele nõ fit theologus Cõtra dictũ cõe
xxi Immo theologus nõ fit. nisi id fiat sine Aristotele.
xxii Theologus nõ logicus est mõstruosus hæreticus. Est monstrosa & hæretica oratio. Contra dictũ cõe
xxiii Frustra fingitur logica fidei. Suppositio mediata extra terminum & numerum Contra recen: dialect.
xxiiii Nulla forma syllogistica tenet in terminis diuinis Contra Card:
xxv Nõ tamen ideo sequitur. veritatem articuli trinitatis repugnare formis syllogisticis Contra eosdem Card: Ca:

FIGURE 3.2 *Ad Subscriptas Conclusiones Respondebit Magister Franciscus Guntherus Nordhusuensis Pro Biblia* (Wittenberg: Rhau-Grunenberg, 1517), recorded in: Benzing / Claus. *Lutherbibliographie* vol. 2, 84a, with copy at Herzog August Bibliothek Wolfenbüttel: 434. 11 Theol. 2°.
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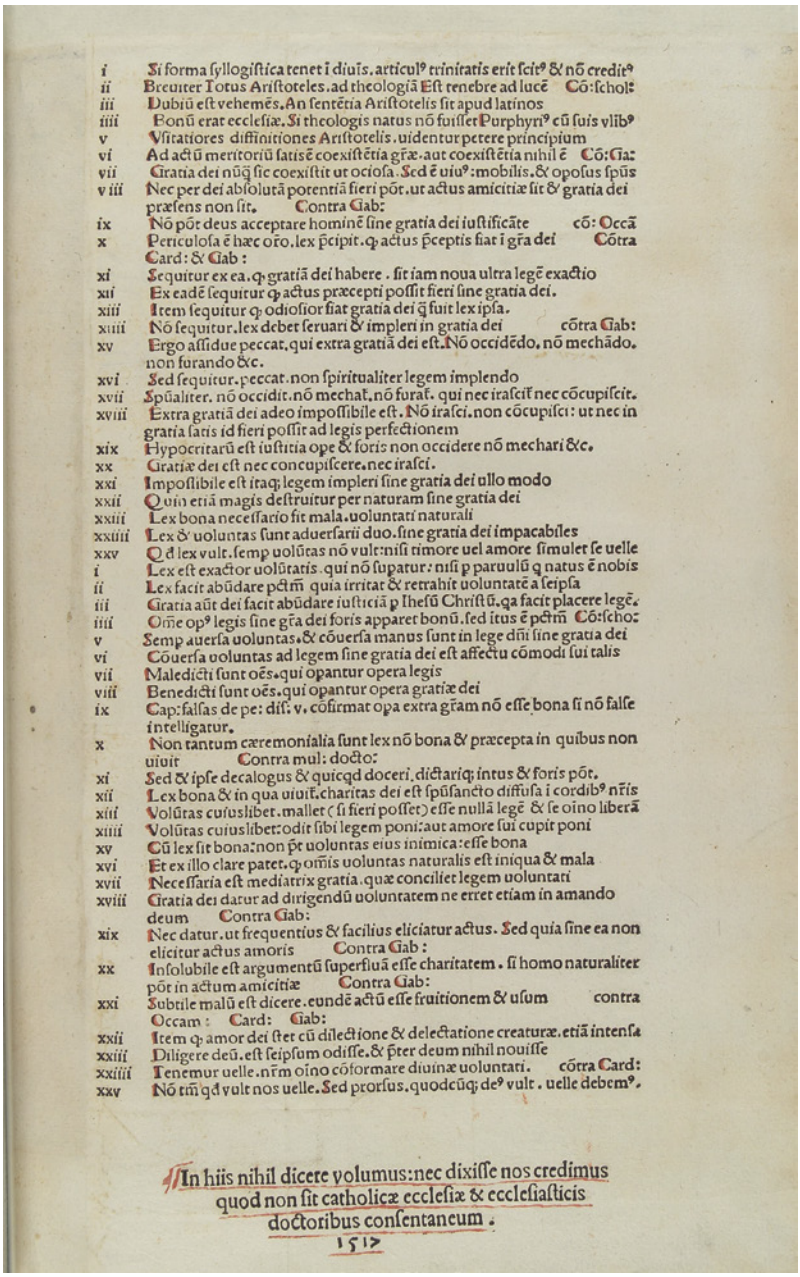

i Si forma ſyllogiſtica tenet i diuiſ. articul⁹ trinitatis erit ſcit⁹ & nō credit⁹
ii Breuiter Totus Ariſtoteles. ad theologiā Eſt tenebre ad lucē Cō: ſchol:
iii Dubiū eſt vehemēs. An ſententia Ariſtotelis ſit apud latinos
iiii Bonū erat eccleſiæ. Si theologis natus nō fuiſſet Purphyri⁹ cū ſuis vlib⁹
v Viſitatiores diffinitiones Ariſtotelis. uidentur petere principium
vi Ad actū meritoriū ſatis ē coexiſtētia grāe. aut coexiſtētia nihil ē Cō: Ga:
vii Gratia dei nūq̄ ſic coexiſtit ut ociosa. Sed ē uiu⁹: mobilis. & opoſus ſpūs
viii Nec per dei abſolutā potentiā fieri pōt. ut actus amicitiæ ſit & gratia dei præſens non ſit. Contra Gab:
ix Nō pōt deus acceptare hominē ſine gratia dei iuſtificāte cō: Occā
x Periculoſa ē hæc oīo. lex p̄cipit. q̄ actus p̄ceptis fiat i grā dei Cōtra Card: & Gab:
xi Sequitur ex ea. q̄ gratiā dei habere. ſit iam noua ultra legē exactio
xii Ex eadē ſequitur q̄ actus præcepti poſſit fieri ſine gratia dei.
xiii Item ſequitur q̄ odioſior ſit gratia dei q̄ fuit lex ipſa.
xiiii Nō ſequitur. lex debet ſeruari & impleri in gratia dei cōtra Gab:
xv Ergo aſſidue peccat. qui extra gratiā dei eſt. Nō occidēdo. nō mechādo. non furando &c.
xvi Sed ſequitur. peccat. non ſpiritualiter legem implendo
xvii Spūaliter. nō occidit. nō mechat. nō furat. qui nec iraſcit nec cōcupiſcit.
xviii Extra gratiā dei adeo impoſſibile eſt. Nō iraſci. non cōcupiſci: ut nec in gratia ſatis id fieri poſſit ad legis perfectionem
xix Hypocritarū eſt iuſtitia ope & foris non occidere nō mechari &c.
xx Gratiæ dei eſt nec concupiſcere. nec iraſci.
xxi Impoſſibile eſt itaq; legem impleri ſine gratia dei ullo modo
xxii Quin etiā magis deſtruitur per naturam ſine gratia dei
xxiii Lex bona neceſſario fit mala. uoluntati naturali
xxiiii Lex & uoluntas ſunt aduerſarii duo. ſine gratia dei impacabiles
xxv Q̄d lex vult. ſemp uolūtas nō vult: niſi timore uel amore ſimulet ſe uelle
i Lex eſt exactor uolūtatis. qui nō ſupatur: niſi p paruulū q natus ē nobis
ii Lex facit abūdare pctm̄ quia irritat & retrahit uoluntatē a ſeipſa
iii Gratia aūt dei facit abūdare iuſtitiā p Ihesū Chriſtū. qa facit placere legē.
iiii Oīe op⁹ legis ſine grā dei foris apparet bonū. ſed itus ē pctm̄ Cō: ſcho:
v Semp auerſa uoluntas. & cōuerſa manus ſunt in lege dñi ſine gratia dei
vi Cōuerſa uoluntas ad legem ſine gratia dei eſt affectu cōmodi ſui talis
vii Maledicti ſunt oēs. qui opantur opera legis
viii Benedicti ſunt oēs. qui opantur opera gratiæ dei
ix Cap: falſas de pe: diſt: v. cōfirmat opa extra grām nō eſſe bona ſi nō falſe intelligatur.
x Non tantum cæremonialia ſunt lex nō bona & præcepta in quibus non uiuit Contra mul: docto:
xi Sed & ipſe decalogus & quicqd doceri. dictariq; intus & foris pōt.
xii Lex bona & in qua uiuit. charitas dei eſt ſpūſancto diffuſa i cordib⁹ nr̄is
xiii Volūtas cuiuslibet. mallet (ſi fieri poſſet) eſſe nullā legē & ſe oīno liberā
xiiii Volūtas cuiuslibet: odit ſibi legem poni: aut amore ſui cupit poni
xv Cū lex ſit bona: non p̄t uoluntas eius inimica: eſſe bona
xvi Et ex illo clare patet. q̄ oīs uoluntas naturalis eſt iniqua & mala
xvii Neceſſaria eſt mediatrix gratia. quæ concilier legem uoluntati
xviii Gratia dei datur ad dirigendū uoluntatem ne erret etiam in amando deum Contra Gab:
xix Nec datur. ut frequentius & facilius eliciatur actus. Sed quia ſine ea non elicitur actus amoris Contra Gab:
xx Inſolubile eſt argumentū ſuperfluā eſſe charitatem. ſi homo naturaliter pōt in actum amicitiæ Contra Gab:
xxi Subtile malū eſt dicere. eundē actū eſſe fruitionem & uſum contra Occam: Card: Gab:
xxii Item q̄ amor dei ſtet cū dilectione & delectatione creaturæ. etiā intenſa
xxiii Diligere deū. eſt ſeipſum odiſſe. & p̄ter deum nihil nouiſſe
xxiiii Tenemur uelle. nr̄m oīno cōformare diuinæ uoluntati. cōtra Card:
xxv Nō tm̄ q̄d vult nos uelle. Sed prorſus. quodcūq; de⁹ vult. uelle debem⁹.

In hiis nihil dicere volumus: nec dixiſſe nos credimus quod non ſit catholicæ eccleſiæ & eccleſiaſticis doctoribus conſentaneum.
1517

FIGURE 3.3 *Ad Subscriptas Conclusiones Respondebit Magister Franciscus Guntherus Nordhusuensis Pro Biblia* (Wittenberg: Rhau-Grunenberg, 1517), recorded in: Benzing / Claus. *Lutherbibliographie* vol. 2, 84a, with copy at Herzog August Bibliothek Wolfenbüttel: 434. 11 Theol. 2°.
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contained several theses omitted in later "official" collections.[20] While later editions of theses tended to focus on Luther and Melanchthon,[21] the early collections presented themselves not as theses by Martin Luther but as examples of theology at the University of Wittenberg, including that of Karlstadt.[22]

Apart from printed collections, there are also several sets of theses from Wittenberg in manuscript collections. One example stands in a copy of the 1522 printed collection, which was in the possession of Johannes Hess, the

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brought by Augustinian Friars, who had studied in Wittenberg, to the Netherlands. On these printings, see Gerhard Hammer, "Militia Franciscana seu Militia Christi: das neugefundene Protokoll einer Disputation der sächsischen Franziskaner mit Vertretern der Wittenberger Theologischen Fakultät am 3. und 4. Oktober 1519," Part 1, *Archiv für Reformationsgeschichte* 69 (1978): 51–81, and Part 2, *Archiv für Reformationsgeschichte* 70 (1979): 59–105; Martin Luther, *Operationes in Psalmos: Teil 1., Historisch-theologische Einleitung*, ed. Gerhard Hammer (Köln: Böhlau, 1991), 187–220; Gunter Quarg, "Seltene Lutherdrucke der Universitäts- und Stadtbibliothek Köln," *Gutenberg-Jahrbuch* 60 (1985): 155–61; and Luther, "Franziskanerdisputation," in *WA* 59:606–97. James Hirstein recently demonstrated that Luther interacted via Bernhard Adelmann and Beatus Rhenanus with Adam Petri; cf. James Hirstein, "Corrections autographes de Martin Luther: Le Tractatus de libertate christiana d'après les éditions de 1520 et de 1521: des suggestions d'emendation," *Revue d'histoire et des philosophies religieuses 95* (2015): 129–63; James Hirstein, "Des modes d'expression sublimes dans L'*Epistola ad Leonem Decimum* et le *Tractatus de Libertate Christiana* corriges par Martin Luther, par Beatus Rhenanus et par l'officine d'Adam Petri en vue de l'edition de 1521," *Revue d'histoire et des philosophies religieuses* 97 (2017): 385–421. Communication between Wittenberg and Basel was also conducted by the Wittenberg student Sebastian Hugwald, who acted as intermediary between the Wittenberg circle and Adam Petri; cf. Thomas Kaufmann, *Der Anfang der Reformation: Studien zur Kontextualität der Theologie, Publizistik Luthers und der reformatorischen Bewegung* (Tübingen: Mohr Siebeck, 2012), 237–59.

20 This is especially true for the collection from Leiden. One example is Luther's theses, "An libri philosophorum sint utiles aut inutiles in theologiam," *WA* 6:28–29.

21 They were usually marked by prefaces of Luther and Melanchthon as official editions of Wittenberg theology, providing a look back to their roots in the early reformation period as well as kept up to date by adding new disputations. Cf. *Theologicae Propositiones Vitebergae Disputatae* (Wittenberg: Luft, 1533); *Propositiones D. Mart. Luthero ab initio necogij Evangelici, ab autore tractatae in hunc diem* (Wittenberg: Joseph Klug, 1538); *Propositiones Theologicae Reverendorum Virorum D. Mart. Luth. Et D. Philippi Melant....*, (Wittenberg, 1558). In spite of their focus on the two main Wittenberg reformers all collections also included material by other Wittenberg theologians such as Amsdorf and Jonas. The best overview of Wittenberg thesis collections from the sixteenth century is still to be found in Johann Bartholomäus Riederer, "Von den verschiedenen, sonderlich ältesten, Samlungen von Disputationen der wittenbergischen lerer bey dem anfange der Reformation," in *Nachrichten zur Kirchen-, Dogmen- und Theologiegeschichte* (Altdorf: Schüpfel, 1768), vol. 4:50–83, 180–201, 283–309, 400–414.

22 For this concept, see Karl Bauer, *Die Wittenberger Universitätstheologie und die Anfänge der Deutschen Reformation* (Tübingen: Mohr, 1928).

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reformer of Breslau. In this volume, 23 sets of manually amended theses from Wittenberg can be found.[23] Abbot Heino Gottschalk from Oldenstedt in northern Germany did not only acquire one of the rare prints of the thesis collection from Paris,[24] but also possessed a collection of eight sets of theses written in his own hand.[25] Hess' and Gottschalk's collections, which both contain some sets of theses not published in print, provide fascinating insight into a culture of learning that was still oscillating between traditional handwriting and the new art of printing.

This very rich source material from Wittenberg sheds important light on disputation culture in general. While it is often difficult to reconstruct the oral practice,[26] we are able to see how disputations were embedded within academic life.

Of particular importance for this reconstruction are the Statutes of the Theological Faculty.[27] According to this source, we know of three kinds of disputations in Wittenberg: circular disputations, public and solemn disputations, and graduation disputations. First, as in Freiburg's Collegium Sapientiae, a circular disputation was supposed to take place every week. These disputations were held every Friday morning.[28] They were supposed to be part of the

23 Berlin State Library Ms. theol. lat. oct. 91 (1524), folio 56r–77r; cf. Beate Braun-Niehr, *Die theologischen Handschriften in octavo der Staatsbibliothek zu Berlin Preußischer Kulturbesitz* (Wiesbaden: Harrassowitz, 2007), 159–64; as well as Bubenheimer's introduction to Karlstadt's 151 Theses in Andreas Bodenstein von Karlstadt, *Kritische Gesamtausgabe der Schriften und Briefe Andreas Bodenstein von Karlstadts*, ed. Thomas Kaufmann and Harald Bollbuck, vol. 1.1 (Gütersloh: Gütersloher Verlagshaus, 2017): 485–98, at 485–87; for an edition of these sets of theses, see Theodor Kolde, "Wittenberger Disputationsthesen aus den Jahren 1516–1522," *Zeitschrift für Kirchengeschichte* 11 (1890): 448–71.

24 Within his copy of this book he wrote Luther's theses for the Leipzig debate and two other sets of theses; cf. *Insignium theologorum …* (Paris), with a copy to be found at Wolfenbüttel's Herzog August Bibliothek: Li 5530 (38,662) (digitalized), folio E I r f.

25 Herzog August Bibliothek Wolfenbüttel, M: Li 5530 Slg. Hardt (35, 585), folio 3 r–12 v. On Heino Gottschalk's collection of theses, see Luther, *Operationes*, ed. Hammer, 207–10; Ulrich Bubenheimer's introduction in Andreas Karlstadt, *Kritische Gesamtausgabe*, vol. 1.1, 365–66.

26 Apart from the Leipzig Disputation we only have some one-sided notes from a disputation from a Franciscan chapter in Wittenberg in autumn 1519; cf. Gerhard Hammer, "Militia"; *WA* 59:606–97.

27 Statute of the theological faculty from 1508, in Walter Friedensburg, *Urkundenbuch der Universität Wittenberg, Teil 1: 1502–1611* (Magdeburg: Selbstverlag der Historischen Kommission, 1926), 37.

28 Statute of the Faculty of Theology from 1508, in Friedensburg, *Urkundenbuch* 1:37. As we shall see in the next section, not all disputations of which we know can easily be integrated into these three regular forms of disputation.

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academic instruction and were intended to serve as an exercise for the students. At least in the Wittenberg Faculty of Arts attaining an academic degree was only possible for those who had participated and responded in a certain number of circular disputations.[29]

While we have many theses from circular disputations, we do not know much about the second type of disputation: "*public, solemn, and ordinary*,"[30] as the statute of the Faculty of Theology calls them. According to the statutes, every doctor of the theological faculty had to hold such a disputation (probably by presiding at it) at least once a year.[31] They served a kind of symbolic role, as academia put itself on display. This also holds true for the third genus: graduation disputations. The Faculty of Theology offered three bachelor degrees. First a student had to acquire a *Baccalaureus Biblicus*, and then had to lecture about the Old and New Testament. Afterwards they earned the degree *Baccalaureus Sententiarius*, and then had to lecture about the Sentences of Peter Lombard. The final bachelor degree was the *Baccalaureus formatus*. To acquire this degree a student had first to complete a lecture on the first two books of the Sentences. Advanced degrees in Wittenberg, as elsewhere consisted of the Licentiate, which entailed an examination on all four books of the Sentences, and the Doctorate in theology.[32]

A disputation was always part of the requirements to earn one of these degrees. The professors had to follow a certain order for presiding at these disputations (and usually writing the theses, as well).[33] In Wittenberg, every promotion to an academic degree was preceded by a disputation, in which the candidate had to serve as the *respondens*. This disputation was to take place on Friday, as well. In case of the bachelor degrees, there was a three-hour disputation in the morning. A degree disputation for the licentiate was supposed to last a whole day.[34] An elaborate order was made for the disputations for a doctoral degree. A doctoral candidate had to take part in two disputations, involving the whole faculty. During the first disputation, a thorough exam, one

29 Cf. Statute of the Faculty of Arts from 1508 in Friedensburg, *Urkundenbuch* 1:54.

30 "[…] *publice, solemniter et ordinarie in anno semel disputet*"; Statute of Theological Faculty from 1508, in Friedensburg, *Urkundenbuch* 1:37.

31 Statute of Theological Faculty from 1508, in Friedensburg, *Urkundenbuch* 1:37.

32 Cf. Drews, *Disputationen*, VIII–IX; Martin Brecht, *Martin Luther: Band 1: Sein Weg zur Reformation 1483–1521* (Stutgart: Calwer, 1981), 98–99; Karlstadt, *Kritische Gesamtausgabe*, vol. 1.1, 439–42.

33 Statute of Theological Faculty from 1508, in Friedensburg, *Urkundenbuch* 1:34. This order could be broken, as in the case of the disputation of Bartholomäus Bernhardi in September of 1516; cf. Kruse, *Universitätstheologie*, 78–86.

34 Statute of Theological Faculty from 1508, in Friedensburg, *Urkundenbuch* 1:36; for the requirements and the private examination see 1:34.

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professor had to give a *quaestio*, while the doctoral candidate had to provide a conclusion on this problem for every participating "magister." The faculty members reacted to these conclusions. The doctoral candidate in this way had to answer the *quaestio* as well as to defend himself against the attack of the professors. The graduation of the doctoral candidate itself was also accompanied by a short disputation of a more ceremonial nature.[35] This doctoral disputation sequence was a clear example of the theology faculty putting its skill and prowess on display; the disputation included the whole faculty and underscored its role as guardian of the faith and knowledge of the divine.

Yet lower degrees were also part of a complex process involving candidates being examined, the faculty displaying itself, and several other symbolic actions. This can be shown by having a fresh look at the context of the *Disputatio contra Scholasticam Theologiam*. Martin Luther, who was dean in the summer term of 1517, described what happened in his records in the dean's book. In August 1517, theology student Franz Günther from Nordhausen felt sufficiently prepared to take his first theological degree, the *Baccalaureus Biblicus*. He applied to the faculty to be allowed to participate "*ad responsionem pro Biblia*."[36] Luther's report about the disputation says that the whole faculty of Theology was assembled to discuss this application and that the candidate had to be admitted in order to respond at a disputation. Franz Günther was now obliged to pay a fee of 5 aurei and 8 grossi[37] and to take part as a respondent in a series of theses that was to be written by one of the professors. It happened to be the dean, Martin Luther, who composed theses for this disputation, the famous *Theses against Scholastic Theology*. Graduation theses were to be published according to the rules of the statutes of the Faculty of Theology.[38]

We know from Luther's entry in the dean's book that the disputation took place on September 4, 1517, two weeks after Günther's application. According to the dean's book, it seems that the whole theology faculty judged his performance favorably and decided unanimously to admit him for the baccalaureate.[39] Yet he still had not received his degree. He had to wait for two

35 Friedensburg, *Urkundenbuch* 1:35; for the Dean's Book, cf. e. g. the doctoral graduation of Fontinus in January 1518 in Carl Eduard Förstemann, ed., *Liber Decanorum Facultatis Theologicae Vitebergensis ex autographo* (Leipzig: Tauchnitz, 1838), 21. The structure of this process in Wittenberg was fairly close to medieval statutes of other universities; cf. de Boer, "Disputation," 224.

36 Förstemann, *Liber Decanorum*, 20.

37 Statute of Theological Faculty from 1508, in Friedensburg, *Urkundenbuch* 1:36.

38 "Decanus promovendis assignet questiones disputendas, assignatas una cum die, hora et loco notificet patribus et scholasticis theologis, non tamen prius quam promovendi expensas receperit"; Friedensburg, *Urkundenbuch* 1:33.

39 Cf. Förstemann, *Liber Decanorum*, 20.

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other disputations taking place on the next two Fridays. Finally, on September 21 he and his two colleagues formally graduated and were officially proclaimed *baccalaurei*. Their graduation took place in the presence of the whole university senate, not just the theology faculty.[40] This was followed by a solemn meal offered by the graduates to the faculty and the doctors of theology, showing their inclusion in the faculty and serving as a symbolic reciprocal gift for the grace received.[41]

Apart from the theological importance of the *Theses against Scholastic Theology*, this report shows that graduation disputations were part of a process of discussions, rites, and events that marked the promotion of a scholar to a new status within the faculty, combined with rites of inclusion and display of academic prowess and place. Furthermore, we can see that more formal disputations functioned as a kind of regulated discussion involving the whole faculty due to the fact that the disputations included all professors who had to give their consent to the graduation. Finally, it is important to keep in mind that Luther's innovative theology was not only part of his lectures and of the discussion within the faculty but could be discussed by Wittenberg students who were in the process of completing their first degrees.[42] Understanding the importance of disputations for academic instruction is essential for grasping their function for Reformation theology. For participants as well as spectators during the Leipzig Debate, this integration of disputations into the academic culture with which all had been familiarized was crucial for their perception of the debate.

2 Disputations and the Reformation Controversy, 1516–1519

While it is important to keep this general context in mind, another dimension also needs to be considered in order to understand the road leading to Leipzig. In this section, I want to explore how disputations achieved their role as a means of discussing the theological problems related to the *causa Lutheri*, and how Eck and his opponents from Wittenberg could start a battle of privately and publicly circulated theses and decide to end it with a large, public disputation.[43]

40 Ibid., 20–21.

41 Cf. ibid., 21.

42 I owe this argument to Leppin, "Disputation als Medium," 422–23.

43 Cf. for the main stations of this conflict Erwin Iserloh, *Johannes Eck (1486–1543): Scholastiker, Humanist, Kontroverstheologe* (Münster: Aschendorff, 1981), 22–48; Volker Leppin, "Die Genese des reformatorischen Schriftprinzips: Beobachtungen zu Luthers

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Like Luther's *Theses against Scholastic Theology*, many important disputation theses were embedded within the usual disputation culture of the Wittenberg theology faculty.[44] Nevertheless, other disputations and disputation announcements cannot so easily be brought into the framework of the faculty statutes. This is especially true for the disputation announcements of Karlstadt in April 1517 (the so-called *151 Theses*) and, of course, for Luther's theses against indulgences. They share several common features, apart from the fact that neither set of theses were ever publicly disputed. Both were published (in case of the *Ninety-Five Theses* at least mailed) on days which were important for the festival calendar of Wittenberg.[45] While Karlstadt and Luther acted as doctors of the Wittenberg faculty, they intended to transcend the borders of the faculty. Karlstadt proposed to hold a disputation on his theses, which was intended to include representatives of the Saxon clergy (and possibly also of the Prince Elector's civil servants) "*ad futurum certamen Theologicum.*"[46] Already in spring 1517 he had conceived the idea of reforming the church within the electorate according to the new insights of the ascendant theology at Wittenberg University. Luther went even further in autumn 1517, when he proposed a blending of a normal public disputation and a literary debate; absent partners were invited to state their position by letters.[47]

Thus, Wittenberg disputations had from the beginning of the formation of the Wittenberg university theology a tendency to transcend the boundaries of the university itself. Paul Drews thought about attributing this special kind of disputation, which Luther and Karlstadt intended to hold, to a fourth genus of disputations. He finds this type within the statutes of Tübingen, which had a provision for free disputations that were scheduled by a member of the faculty without being part of the regular academic curriculum.[48] While

Auseinandersetzung mit Johannes Eck bis zur Leipziger Disputation," in *Reformatorische Theologie*, 97–139.

44 One example is the first public discussion of Luther's theology in 1516; cf. Matthias Baral, "'Theologia nostra': Die Disputation des Bartholomäus Bernhardi von 1516 und Luthers Römerbriefvorlesung; eigenständige Fortentwicklung oder unkritische Reproduktion?" *Zeitschrift für Kirchengeschichte* 125 (2014): 57–68; Kruse, *Universitätstheologie*, 78–82.

45 In case of the *151 Theses*, we know that Karlstadt published them by nailing them on the Wittenberg church doors; cf. letter from Karlstadt to Spalatin, 28 April 1517, Karlstadt, *Kritische Gesamtausgabe* vol. 1.1:514, no. 59, 3–5.

46 Karlstadt to Spalatin, 28 April 1517, Karlstadt, *Kritische Gesamtausgabe*, vol. 1.1:514, no. 59, 9–10. There is no specific mention of clergymen in this passage (private communication with Professor Bubenheimer).

47 Cf. Leppin, "Disputation als Medium," 420–23; Moeller, "Thesenanschläge," 16–18.

48 Cf. Drews, *Disputationen*, xxiv–xxv. Drews thinks that to call these "extraordinary disputations" would be too vague, because this expression was used within different university statutes in different ways; cf. ibid., xiv.

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this presupposition of a regulated fourth genus of disputations probably overstates the evidence, it is quite clear that the three genera mentioned in the statutes of the Wittenberg faculty were not the only instances when professors and students from the Leucorea took part in disputations in Wittenberg or elsewhere.

Disputation activities outside their own universities can be shown for all professors involved in the Leipzig Debate. We know that *Johannes Eck* held disputations in 1515 in Bologna and in 1516 in Vienna after the bishop and grand chancellor of Ingolstadt University had prohibited a disputation on usury in Ingolstadt itself.[49] In Bologna, Eck was introduced by Johannes Fabri, who needed a substitute for a disputation already agreed upon by the university there.[50] His social contacts[51] made it possible for Eck to get a sabbatical in Ingolstadt and permission from the faculties of law and theology in Bologna to hold a disputation on his controversial theses on usury.[52]

While Eck's voyage to Italy went smoothly, his attempts to defend his theses on usury in Vienna were much more complicated. Only after a successful intervention of the local bishop was Eck allowed to hold a disputation, which did not include his controversial teachings on usury.[53] Eck's disputations in Bologna and Vienna can be described as formal disputations, held with permission from the faculty authorities in a foreign university. However, the fact that influential contacts in the learned community got him permission in Bologna, whereas church authorities prohibited his disputation in Ingolstadt and forced the Vienna faculty to accept him, shows that – even before the *causa Lutheri* – disputations related to academic conflicts took place within a setting that also included temporal and spiritual authorities.[54]

While *Karlstadt* was not as famous as Johannes Eck in *rebus disputationibus*, his experiences were also not exclusively bound to Wittenberg. During his travel to Italy, where he received a doctorate in both laws at the Roman Curia,

49 Johann Peter Wurm, *Johannes Eck und der oberdeutsche Zinsstreit 1513–1515* (Münster: Aschendorff, 1997), 128–39, 170–203.

50 Wurm, *Eck*, 172–73.

51 Wurm, *Eck*, 17; Ingo Trüter, *Gelehrte Lebensläufe: Habitus, Identität und Wissen um 1500* (Göttingen: Universitätsverlag, 2017), 204–05.

52 Wurm, *Eck*, 174; Heiko Augustinus Oberman, *Spätscholastik und Reformation*, vol. 2, *Werden und Wertung der Reformation: Vom Wegestreit zum Glaubenskampf* (Tübingen: Mohr 1977), 161–200.

53 Wurm, *Eck*, 201–02; Trüter, *Lebensläufe*, 204–05.

54 It would be worthwhile to compare the role of academic disputations during the controversy on usury in the early sixteenth century and in the *causa Lutheri*. As we shall later see, both academic conflicts included a combination of literary exchanges and academic disputations; for the development of the conflict over usury in the upper German lands, see Wurm, *Eck*, passim.

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he took part in a theological disputation at the Sapienza.[55] Luther, who contrasted Karlstadt's academic ego after his stay in Rome and the insistent humility of his time in Orlamünde, emphasized in a table talk that this disputation was regarded by Karlstadt as a major achievement.[56] Another, even earlier report shows that disputations were not always held in a university context. In 1510, Otto Beckmann, a colleague of Karlstadt, mentioned in an encomium of Wittenberg University that Karlstadt had a few months earlier held a successful disputation with the local clergy of Halberstadt.[57] This interesting report shows that city disputations, which became crucial for reform-minded magistrates during the 1520s and 1530s and usually involved local clerics, were not entirely without precedent.[58]

As we look at *Luther*, we can again take his *Theses against Scholastic Theology* as an example. When Luther wrote to his friend Johannes Lang at the Erfurt Augustinian monastery in September 1517, he offered to defend his controversial theses personally in Erfurt, either in the Augustinian monastery or at his former alma mater.[59] Like Eck and Karlstadt, Luther was ready to defend his theological theses in another university context. Like Karlstadt, he was also prepared to use another setting (in this case, the monastic community of his former monastery) for a disputation.[60] Luther's proposal to hold a disputation on his *Theses Against Scholastic Theology* in a monastic setting highlights

55 Cf. Ulrich Bubenheimer, *Consonantia Theologiae et Iurisprudentiae: Andreas Bodenstein von Karlstadt als Theologe und Jurist zwischen Scholastik und Reformation* (Tübingen: Mohr, 1977), 59–77.

56 "Carlstadt war sehr vermessen, daß er auch zu Rom, in dem fürnehmsten Collegio, *in domo Sapientiae*, hat dürfen disputiren. Kam mit großer Hoffart wieder in Deutschland wol gekleidet, ward darnach aus […] lauterm Neid ein Baur, ging barhäuptig und wollt nicht Doctor, sondern Nachbar Enders benannt seyn"; *WA TR* 6:245, no. 6874; cf. Bubenheimer, *Consonantia*, 59 n. 215. Eck also took part in a disputation in Rome in 1521 or 1522; cf. Bubenheimer, *Consonantia*, 59.

57 Cf. Gustav Bauch, "Andreas Carlstadt als Scholastiker," *Zeitschrift für Kirchengeschichte* 18 (1898): 37–57, at 50.

58 On the city disputations cf. Bernd Moeller, *Zwinglis Disputationen: Studien zur Kirchengründung in den Städten der frühen Reformation*, 2nd ed. (Göttingen: Vandenhoeck & Ruprecht, 2011), passim.

59 "[…] me scilicet esse paratissimum venire et publice seu in collegio seu in monasterio de iis disputare, ut non putent me in angulum ista velle susurrare, si tamen nostra universitas tam vilis est, ut angulos esse possit videri"; letter by Luther to Johannes Lang, 4 September 1517, *WA Br* 1:103, no. 45, 12–15. Cf. Kruse, *Universitätstheologie*, 104.

60 His offer to defend his theses within Lang's monastery might be explained by the opposition which Luther rightly expected from Erfurt University; cf. letter by Luther to Jodocus Trutfetter, 9 May 1518, *WA Br* 1:170, no. 74, 30–40.

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another aspect of disputations: They were not exclusively bound to the university, but permeated monastic settings as well.[61]

This close attachment of monastic and academic life is also exemplified by another disputation in which Luther took part: the Heidelberg Disputation of spring 1518. Within the regional chapter of the German Augustinian Eremites, there was a special place provided for a solemn disputation, at which Luther this time presided. Another monk from Wittenberg, Leonhard Beyer, acted as respondent.[62] Several members of the theology faculty of Heidelberg took part as opponents, and several students and young clerics like Martin Bucer attended the disputation. Heidelberg, therefore, provided an important step in Luther becoming known in southern Germany.[63] If we look at the setting of the Heidelberg Disputation, it was clearly an event attached to the Augustinian chapter.[64] Nevertheless, it was organized in collaboration with the arts faculty and included professors of the theology faculty, as well.[65] At least one part of the disputation took place within the arts faculty and was accompanied by bedels bearing the scepter of that faculty.[66] Therefore, the demarcation lines between academia and monastic order were often blurred.

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61 Cf. Brecht, *Luther*, 1:64. Concerning the Augustinian monastery in Wittenberg, there exists one list of arguments against private masses by the Augustinian Heinrich of Zutphen, edited in *M. Johann Erhard Kappens, des grossen Fürsten Collegii zu Leipzig Collegialen und z. Z. Praepositi, wie auch der Philosophischen Facultät daselbst Assessorn. Kleine Nachlese einiger, größten Theils noch ungedruckter, Und sonderlich zur Erläuterung Der Reformations-Geschichte nützlicher Urkunden, Anderer Theil* (Leipzig: Braun, 1727), 484–94; recorded VD 18: 90272552. For these theses, which emphasized the Augustinian position on necessary church reform, cf. Bubenheimer, "Scandalum," 339–42. Bubenheimer now thinks that Zutphen's theses might have been disputed within the convent (based on personal communication with Ulrich Bubenheimer).

62 Cf. Theodor Kolde, *Die deutsche Augustiner-Congregation und Johann von Staupitz: Ein Beitrg zur Ordens- und Reformationsgeschichte* (Gotha: Perthes, 1879), 313–15; Brecht, *Luther*, 1:208–09.

63 For the reception of the Heidelberg Disputation cf. Thomas Kaufmann, "Bucers Bericht von der Heidelberger Disputation," *Archiv für Reformationsgeschichte* 82 (1991): 147–70.

64 A preface to the theses published in 1545 said "apud Augustinianos huius inclytae civitatis Heidelbergensis"; quoted in Heinz Scheible, "Die Universität Heidelberg und Luthers Disputation," in *Festgabe für Gerd Tellenbach zum 80. Geburtstag*, ed. Kommission für Geschichtliche Landeskunde in Baden-Württemberg (Stuttgart: Kohlhammer, 1983) = *Zeitschrift für Geschichte des Oberrheins* 131 [= N. F. 92] (1989): 309–29, at 317.

65 This is clearly shown by Heinz Scheible, who excellently describes how the Augustinians and the arts faculty collaborated for the organization of this disputation; cf. ibid., 320–29.

66 Ibid., 321–23. Different traditions concerning the place of the disputation (Augustinian monastery or arts faculty) and the date (April 25 or April 26) might be solved by Ulrich Bubenheimer's observation that Johannes Lang noted that the theological theses were debated within the chapter on April 25, while the philosophy theses were disputed one

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If we look at the historical context of the debate and its relation to the start of the Reformation controversy, the evidence is mixed. Given the favorable conditions surrounding the Heidelberg Disputation, it could by no means be described as Luther being put on intellectual trial.[67] Nevertheless, the proceedings were clearly situated within the beginnings of the *causa Lutheri*.[68] Therefore, the Heidelberg Disputation is best regarded as part of the growing conflict surrounding Luther and the Wittenberg faculty. But the inclusion of academic pomp along with the participation of learned Augustinians and other local intellectuals showed that this was not the whole story. Holding a disputation at the chapter also served as proof of the close link already established between the Augustinian Order and the University of Heidelberg.[69] They also can be regarded as a testimonial to the commitment of the Augustinians to the studies of the arts and theology.

The Heidelberg Disputation is one of several known disputations connected to regional chapters of monastic orders.[70] One classic example is a discussion of the Wittenberg theologians with the Franciscan Friars, which took place in October 1519 at the Franciscan monastery of Wittenberg.[71] As Hammer's reconstruction has shown, this event can in many ways be compared to the Heidelberg Disputation in its combination of controversy and academic splendor.[72] This pattern of using disputations in a monastic context for the discussion of recent controversies can also be seen in a disputation on the Immaculate Conception of the Blessed Virgin held by the Minorites in Heidelberg in 1501 during one of several conflicts of Franciscans and

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day later; cf. Karlstadt, *Kritische Gesamtausgabe*, 1,1:487 n. 21. Kolde mentions that during an Augustinian chapter in Colmar in 1503 two disputations were held as well; cf. Kolde, *Augustiner-Congregation*, 314. The Franciscan disputation in Wittenberg in 1519 probably also took two days; cf. Hammer, "Militia," Part 2, 103–04; *WA 59*:671–72.

67 Cf. Brecht, *Luther*, 1:209–10.

68 One important aspect was the involvement of Frederick the Wise, who required several guarantees for Luther's safe return, an early example of his Luther protection policy; cf. Wilhelm Borth, *Die Luthersache* (*Causa Lutheri*) *1517–1524: Die Anfänge der Reformation als Frage von Politik und Recht* (Lübeck: Matthiesen, 1970), 39–45.

69 Cf. Scheible, "Universität Heidelberg," 310–11.

70 While we do not know if chapter disputations were a regular feature of regional conventions (cf. Kolde, *Augustiner-Congregation*, 314), the number of attested disputations is much larger than Scheible thinks, who limits them to the Heidelberg Disputation and the 1503 Augustinian chapter in Colmar mentioned in n. 66 above. Cf. Scheible, "Universität Heidelberg," 313.

71 Hammer, "Militia," passim; *WA* 59:607–97.

72 Hammer, "Militia" 2:99–103; Luther, "Franziskanerdisputation", *WA* 59:666–72.

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Dominicans over the doctrine.[73] In general, disputation culture was flexible enough to provide room for debates apart from those forms explicitly regulated within the faculty statutes. The idea to hold a disputation involving foreign scholars in Leipzig was therefore unusual, yet not unthinkable, for the sixteenth century. As we have seen from the practice of monastic disputations as well as Karlstadt's disputation in Halberstadt, disputations outside the university context were practiced before the Reformation controversy.

I want to extend this point one step further. If we look at the war of theses preceding the Leipzig Disputation, we can see that disputations were integrated into a controversy instigated through private correspondence and publications. Toward a fuller understanding of what led up to Leipzig,[74] I want to consider how disputation theses were integrated into the broader culture of academic networks and controversies.

If we look at Luther's correspondence in the crucial years from 1516 to 1519,[75] we can see that – even apart from the transmission of the indulgence theses – an amalgamation of local disputations and the circulation of academic theses was not without precedent. Luther himself used disputation theses as a means of circulating his theology within the society of letters. We have already quoted his offer to Lang to defend his *Theses against Scholastic Theology* in Erfurt. He had sent his theses to Erfurt and also to Christoph Scheurl in Nuremberg to receive feedback on his positions.[76] His contact to Scheurl, who represented the humanistic circle around Luther's mentor, Johann von Staupitz, was especially valuable for communicating theses from Wittenberg to other

73 This disputation was an answer to a Dominican disputation on the same subject in Heidelberg earlier that year and was backed by a Franciscan regional chapter in Pforzheim in 1501; cf. Hammer, "Militia," Part 2, 98; for the disputed theses cf. Günter Mayer, "Zwei Einblattdrucke von 1501 zum Heidelberger Streit um die Unbefleckte Empfängnis," *Bibliotheksforum Bayern* 22 (1994): 185–92, at 187. In 1524, a Franciscan chapter disputation in Braunschweig about the mass and the veneration of saints was used by several citizens to manifest their Protestant persuasion; cf. Ulrich Bubenheimer, *Thomas Müntzer: Herkunft und Bildung* (Leiden: Brill 1989), 121–22.

74 Cf. Kurt-Victor Selge, "Der Weg zur Leipziger Disputation zwischen Luther und Eck im Jahre 1519," in *Bleibendes im Wandel der Kirchengeschichte: Kirchenhistorische Studien*, ed. Bernd Moeller and Gerhard Ruhbach (Tübingen: Mohr, 1973), 169–210.

75 Almost no research has yet been done on the correspondence of other members of the Wittenberg team, such as Karlstadt. Further research should also focus on written marginalia within their books. While I was not able to look at these sources for this article, they are important research questions for my habilitation project on the Wittenberg Theses.

76 Cf. letter from Luther to Lang, 4 September 1517, *WA Br* 1:103, no. 45, 1–5; letter from Luther to Christoph Scheurl, 11 September 1517, *WA Br* 1:106, no. 46, 35–38.

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universities.[77] Apart from his own theses, Luther had also used his contact to Scheurl in May 1517 to disseminate Karlstadt's 151 theses, which were also made known to several humanists and academics.[78]

If we look at these letters, the inclusion of disputation theses in academic correspondence seems to have been a normal pattern. While Luther emphasizes the importance of his disputation theses as well as their controversial nature,[79] he distributes them as a matter of course. Bernd Moeller is correct that the distribution of academic theses was usually a secondary use of such theses, which were primarily intended for oral disputation.[80] Nevertheless, we can see by Luther's conscious strategy of circulating them within academic networks that this primary use could always be accompanied by the desire to use them for the distribution of new ideas.[81]

A good example of this communication of theses is the literary exchange that was initiated by Christoph Scheurl between Eck, Karlstadt, and Luther. When he began to serve as mediator between Eck in Ingolstadt and the theologians from Wittenberg, in a commendation Scheurl praised Eck to Karlstadt and Spalatin as "disputator acerrimus […]."[82] This literary friendship included an exchange of theses, which could be described as an extension of the Wittenberg community's discussion to a literary network. Luther seemed to assume that Eck was a like-minded colleague when he asked Scheurl to send him his *Theses against Scholastic Theology*: "[…] quae poteris Eccio nostro, eruditissmo et ingeniosissimo viro, exhibere ut audiam et videam, quid vocet illas."[83] This correspondence evolved into a private and then public literary feud as Eck

77 "Eckio disputationem dudum nobis habitam communicabo; cupiebam quoque theologis Coloniensibus et Heidelbergensibus mittere; plerisque doctis notus sum"; letter from Scheurl to Luther, 30 September 1517, *WA Br* 1:107, no. 47, 22–25.

78 Letter from Luther to Scheurl, 6 May 1517, *WA Br* 1:94, no. 38, 15–26; letter from Scheurl to Karlstadt, 3 November 1517, Karlstadt, *Kritische Gesamtausgabe*, 1.1:535, no. 63, 10–13.

79 He calls his theses on scholastic theology "haec paradoxa, imo cacodoxa videri suspicor, quae nobis non nisi orthodoxa esse possunt"; letter from Luther to Lang, 4 September 1517, *WA Br* 1:103 No. 45, 8–9.

80 Moeller, "Thesenanschläge," 28.

81 Even though Moeller argues that the usual printed form of theses was "almost unreadable" (ibid., 28), they were probably posted in precisely this form; cf. Volker Leppin, "Der Thesenanschlag – viel Lärm um nichts?," in *Iserloh: Der Thesenanschlag fand nicht statt*, ed. Uwe Wolff (Basel: Reinhardt 2013), 239–45, at 243–44.

82 Letter from Scheurl to Karlstadt, 1 April 1517, Karlstadt, *Kritische Gesamtausgabe* 1.1:472, no. 55, 3; the letter from Scheurl to Spalatin, 1 April 1517, is quoted at *WA Br* 1:92; for Scheurl's role as mediator cf. Selge, "Weg," 172–73 n. 6.

83 Letter from Luther to Scheurl, 11 September 1517, *WA Br* 1:106, no. 46, 37–38.

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started to formulate his fundamental concerns about Luther's attack against indulgences, culminating in the Leipzig debate.[84]

It is a major contribution by Volker Leppin to highlight this literary friendship of Karlstadt, Luther and Eck immediately before the start of the *causa Lutheri*.[85] Their exchange of ideas obviously influenced both camps during the literary feud in 1518 and 1519. Leppin also stated the hypothesis that this exchange influenced the literary form of the sets of theses printed in Wittenberg. He argued that Eck used a special technique in several of his disputation theses: He added a "contra" to his positive theses and specifically mentioned opponents and sometimes even gave a very general confutation "contra communem."[86] Leppin noted a similar use of confutations in Karlstadt's *151 Theses* and Luther's *Theses against Scholastic Theology* and discussed the possibility that Eck's theses, which were sent by Scheurl to Wittenberg, influenced Karlstadt's and Luther's practice of disputation theses.[87]

We can certainly assume that Eck's theses were noted in Wittenberg as interesting contributions to a subject important for their theology.[88] Nevertheless, we should take into account different influences as well. Already in December 1511, we have notice of a disputation in the law faculty of Wittenberg on the relationship between indulgences and penitential theology.[89] Furthermore, giving marginal notes, which mark against whom a certain thesis is stated, is not unique. A printed set of theses from a civil law disputation in Bologna from 1502 also includes contra indications, even including one "contra/omnes."[90] While Eck could, of course, have been inspired by his disputation in Bologna in 1515, to use this technique, we have to remember that Scheurl sent a collection

84 Cf. Selge, "Weg," 173–75.

85 Cf. Volker Leppin, "Luther und Eck – Streit ohne Ende?" in *Johannes Eck (1486–1543): Scholastiker, Humanist, Kontroverstheologe*, ed. Jürgen Bärsch and Konstantin Maier (Regensburg: Pustet, 2014), 131–60; Volker Leppin, "Der Einfluss Johannes Ecks auf den jungen Luther," *Luther* 86 (2015): 135–47.

86 Quoted in Leppin, "Luther und Eck," 140; cf. Leppin, "Einfluss," 136–37.

87 Cf. Leppin, "Luther und Eck," 140–41.

88 Leppin observes that Eck discussed questions of penitential theology and the question of whether indulgences were effected by the petitioning prayer of the pope or by his authority, a question in which he came to radically different conclusions than Luther; cf. Leppin, "Einfluss," 138–39.

89 Cf. Bauch, "Carlstadt," 50–51. This and other disputations on legal issues in the early Reformation will be discussed in my forthcoming essay, "Legal Concepts in Disputation Theses from Wittenberg University, 1511–1522," in *Protestant Legacies in Nordic Law: Sixteenth to Eighteenth Century*, ed. Tarald Rasmussen and Joern Sunde (forthcoming).

90 Cf. a reproduction in Albano Sorbelli, "Intorno alle prime tesi universitarie a stampa," *Gutenberg-Jahrbuch* 16 (1941): 118–25, at 121; esp. 8. concl.; on this printed set of theses see 123.

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of Eck's theses to Wittenberg in the beginning of April and the technique was already used in Karlstadt's theses from the end of this month.[91] If we assume an influence from Italy, which is by no means certain, we have to remember that Karlstadt also came back from Rome in 1516, and was greatly influenced in his academic teaching by this experience.[92] In general, I think we should describe the relationship of Eck and the Wittenberg theologians as working within a common culture of disputations, which all parties consciously used to achieve their aims. They sincerely believed that by properly using the medium of disputation and the techniques associated with it they could establish truth as well as refute erroneous teaching.[93]

3 Luther's and Eck's Debate in Leipzig as Academic Disputation

I want to conclude with a few remarks on how the traditional disputation culture shaped the Leipzig Debate and how far the proceedings in Leipzig transcended the usual way of holding disputations. For this question I rely heavily on Anselm Schubert's reconstruction of the proceedings in Leipzig according to the rules of disputation, which focusses on the exchange of Luther and Eck.[94]

As we have seen in the last section, the idea to hold a public disputation to discuss a controversial issue in a different university was not without precedent and was a logical conclusion to the close entanglement of literary controversies and academic disputations which marked the early Reformation. Nevertheless, the publicity of the *causa Lutheri* and the potential consequences of the heresy accusation against Luther gave a special quality to the proceedings in Leipzig. This can be shown by the difficulties of finding a proper

91 Leppin raised doubts that these "contrae" were already part of the original print; cf. Leppin, "Einfluss," 139–40. Ulrich Bubenheimer's observation that Hess' manuscript of the *151 Theses*, which was probably based on the original printed set of theses, intentionally left out the contra indications makes that highly improbable. The writer of the manuscript even deleted a misplaced "contra omnes quasi"; cf. Karlstadt, *Kritische Gesamtausgabe* 1.1:502, 11–13; on the value of Hess cf. Bubenheimer's introduction to the *151 Theses*, ibid., 494.

92 One example is the discussion of Pico della Mirandola's condemned theses about the dignity of man in summer 1516; see Ulrich Bubenheimer, "Zur vorreformatorischen Rezeption des italienischen Humanismus in Erfurt und Wittenberg bei Martin Luther und Andreas Karlstadt," in *Anwälte der Freiheit: Humanisten und Reformatoren im Dialog*, ed. Matthias dall'Asta (Heidelberg: Universitätsverlag, 2015), 105–13, esp. 108–13.

93 Cf. Schubert, "Libertas disputandi," 414–19.

94 Ibid., passim. Within the scope of this essay, it was not possible to analyze in depth the exchange between Eck and Karlstadt.

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way of determining the results when the Leipzig theological faculty refused to judge the outcome of the disputation.[95] Another consequence of this delicate situation was the fact that the conditions of the Leipzig Debate were the subject of a public contract entered into by the opposing parties. One of its provisions was a protocol, drafted by a lawyer, which made the disputation in summer 1519 the only disputation in the early reformation period for which we know exactly how the participants argued.[96]

Finally, the participation of a large number of non-Latin speaking spectators, as well as the personal attendance of the Albertine Duke of Saxony, showed that the Leipzig Debate had entered a different stage of publicity: the questions disputed were interesting not only for academics but also for the common man, as well as for the temporal powers. In general, Schubert rightly demonstrates that within this environment the Leipzig Debate could not become a free enquiry for truth.[97] We can obviously draw a direct line from the Leipzig Debate to Zwingli's debates in Zurich and to the whole genus of city disputations.[98]

Nevertheless, in spite of its special circumstances, the debate followed traditional conventions of academic disputation. This is true for its status as a university event. While Duke Georg had to force his reluctant Faculty of Theology to allow the debate,[99] the participants were officially welcomed by law professor Simon Pistorius, and the opening speech was held by humanist Petrus Mosellanus, Leipzig's professor of the Greek language.[100] In a volume from Freiberg in Saxony a manuscript collection includes a handwritten protocol of the Leipzig Debate alongside a protocol of a solemn disputation from Leipzig in 1514.[101] As we have seen in the case of chapter disputations, the rules were

95 Luther wanted a free judgment by the general public, while Eck was in favor of a traditional decision by another theological faculty, Schubert, "Libertas disputandi," 424–25. The decision was finally referred to the universities of Erfurt and Paris, of which Erfurt refused, while Eck was declared victorious by Paris only after Luther was already excommunicated; cf. Kruse, *Universitätstheologie*, 219–20.

96 Schubert, "Libertas disputandi," 415 n. 10; 420–25.

97 Ibid., "Libertas disputandi," 420.

98 Leppin, "Disputation als Medium," 424–25; Moeller, *Zwinglis Disputationen*, 41–43.

99 Heiko Jadatz, "Herzog Georg von Sachsen und die Leipziger Disputation," in *Die Leipziger Disputation 1519*, 73–86.

100 Armin Kohnle, "Die Leipziger Disputation und ihre Bedeutung für die Reformation," in *Die Leipziger Disputation 1519*, 9–24, at 12.

101 Cf. Andreas-Möller-Bibliothek des Geschwister-Scholl-Gymnasiums Freiberg, VII 4° 12, folio 11 r–174 v (currently digitized by University library Leipzig for Manuscripta Mediaevalia); on this manuscript, see Theodor Brieger, "Über die handschriftlichen Protokolle der Leipziger Disputation," in *Beiträge zur Reformationsgeschichte: Herrn Oberkonsistorial Professor D. Köstlin bei der Feier seines siebzigsten Geburtstags ehrerbietigst*

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flexible enough to include even this curious event, in which no scholar from Leipzig took part either as participant or as judge and which took place outside of the university buildings in an "official court room (of the Duke, H. B.) emptied and refurbished as a lecture hall."[102]

Furthermore, Anselm Schubert's analysis shows that the debate between Luther and Eck can be completely understood by these conventions. He shows that both adversaries had a hidden agenda: Luther wanted to prove that papal primacy was an error, as the example of the Eastern patriarchies proved; Eck wanted to show that Luther was close to the condemned teaching of Jan Hus, although he was unable to openly declare Luther a heretic by the rules of the disputation.[103] During their disputation Eck and Luther had to change the role of *respondens* and *opponens* on different theses. It proved to be a fateful decision that during the first days, when Luther's theses on the papacy were debated, the role of *opponens* was given to Eck, so Eck was able to formulate his own thesis against Luther's thesis. Thus Luther had to argue against Eck's thesis that papal primacy was not only defined by divine law, but was also scriptural.[104] Luther had to respond to Eck's argumentation and was not able to determine the course of the disputation himself. Eck could bend the rules of the disputation enough to associate Luther with the Bohemian heresy.[105]

When Luther tried to make his point on the exegesis of the Confession of St. Peter in Mt. 16:18 during an answer at the beginning of the second day of their disputation, Eck rebuked this common but forbidden attempt to set the agenda of the disputation as a respondent.[106] Schubert shows that this inability to argue against papal primacy caused Luther to argue for the primacy of Scripture and reason against tradition and ecclesiastical authorities. To make this point, he positively referred to some Hussite doctrines Eck had mentioned. Luther's criticism of pope and councils was developed within the course of the disputation. Nevertheless, by arguing in favor of the primacy of Scripture, he declared that the traditional rules of disputation, which prohibited him from

gewidmet, ed. Otto Albrecht, Theodor Brieger, et al. (Gotha: Perthes 1896), 37–48, at 43 and Stefania Salvadori, "Introduction to Disputatio Iohannis Eccii et Andreae Carolostadii Leipzig, 1519, 27., 28., 30. Juni und 1., 3., 14. Juli," in Karlstadt, *Kritische Gesamtausgabe* 2: no. 131.

102 "Er (Duke Georg, H. B.) […] ließ die Hofstube ausräumen und zu einem Hörsaal herrichten"; Sebastian Fröschel, quoted in Kohnle, "Leipziger Disputation," 9.

103 Cf. Schubert, "Libertas disputandi," 419–20.

104 Ibid., 426–28.

105 Ibid., 428–34.

106 Ibid., 431–32.

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appealing to the truth of Scripture, were false. This argument finally gave Eck the opportunity to openly declare him a heretic.[107]

Schubert's analysis shows that Luther's famous sentences on the fallibility of councils and his affirmation of some sentences of John Hus can easily be explained by the course of the debate and the necessity to make his point. Nevertheless, these sentences were pivotal because Eck forced Luther to clarify the consequences of his theological premises.[108] Eck had also forced Luther to abandon the rules of a classical disputation. During the following days, Luther even started to address the non-Latin speaking listeners in German to clarify that he did not intend to refuse obedience to the pope.[109] While this break of the language barrier was done explicitly to avoid Eck's accusation of heresy, it also implied that Luther wanted the disputation to be judged by the laity, not by theologians.[110] The last days of the disputation between Luther and Eck were marked by the attempt of Luther to contradict Eck's accusation of heresy.[111] Both Luther and Eck continued to obey the rules of a disputation, trying to win it symbolically by having the last word in the debate.[112]

Schubert's analysis shows that the Leipzig debate followed the rules of a regular disputation, as they were practiced in Wittenberg and elsewhere. Nevertheless, he also describes how Luther's radical arguments on Scripture and reason, while developed according to the traditional disputation rules, began to transcend the boundaries of traditional argumentation. Indeed, as Volker Leppin has shown, Luther's arguments were a major breakthrough for the principle of Scripture alone, which was clearly articulated by Melanchthon in his Baccalaureate theses a few weeks later.[113] In this way, the Leipzig debate became a factor for the transformation of disputation culture in Wittenberg, as well. This was particularly the case for legal aspects in disputations since the concept of divine law was contrasted with mere human traditions, which provided the basis for the pope and the canons.[114] After Luther's excommunication and the Diet of Worms, disputations in Wittenberg became a major

107 Cf. ibid., 433–34.
108 Cf. Leppin, "Genese," 129.
109 Cf. Schubert, "Libertas disputandi," 437–38.
110 Ibid., 438–39.
111 Ibid., 435–36.
112 Ibid., 440.
113 Cf. Leppin, "Genese," 138–39.
114 One example is Karlstadt's disputation theses "De Pontificum Decretis," analyzed in Bubenheimer, *Consonantia*, 171–75; for Luther, see cf. "Disputatio de non vindicando &c habita. 1520," *WA* 6:575. I will analyze these disputations in Bühmann, "Legal Concepts."

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instrument for discussing and implementing church reforms during the so-called Wittenberg movement.[115]

The Leipzig Debate and other disputations in the early Reformation can best be described as Janus-faced. On the one hand, they were examples of a now lost tradition of disputation as a means of intellectual communication and the production of knowledge. On the other hand, they were shaped and transformed by their use in the Reformation controversy. This ambiguity is probably the key to understanding the proceedings in Leipzig in 1519.

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115 Cf. Bubenheimer, "Scandalum."

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CHAPTER 4

The Papacy's Aversion to Councils in the Time of Leo X: Leipzig in the Context of Conciliarism

Thomas M. Izbicki

1 Introduction

When John Eck raised the question of papal power in the Leipzig Debate in the summer of 1519, he cannot have been unaware that Rome was sensitive to any threat to its preeminence. His description of a monarchy founded by Christ on Peter must have been music to papal and curial ears. Eck made direct reference to Pope Leo X as Peter's successor.[1] Eck dismissed dissent from papal primacy as sharing the condemned errors of the Waldensians and Marsilius of Padua.[2] It is less clear how he thought appeal to the authority of the Council of Constance, and even that of the Council of Basel, in his attack on Luther as a "Hussite" would play out in papal circles.[3] Eck's argument for divine guidance of councils by the Spirit might also have played out badly in Rome.[4] Eck was on safer ground when he referred to the temporary ecclesiastical union achieved at the Council of Florence (1438–1445) in the argument over whether the Greeks were schismatics and heretics. He said that the Greek delegates simulated agreeing to union when present at Florence, for fear of the Turks, but that they abandoned their commitment upon returning home.[5] The Eck who debated at Leipzig represented a strand of pro-papal, post-conciliar ecclesiology commonly held in the Rome of the early sixteenth century.

1 On the ecclesiastical monarchy, see *WA* 59:435, 512, 516. On Leo, see *WA* 59:452.

2 On these errors, see *WA* 59:461. Among Eck's sources was Juan de Torquemada's *Summa de ecclesia*, see *WA* 59:454.

3 For Eck's reference to Basel's negotiations with the Hussites, see *WA* 59:461–62. Eck brought forward the errors of Wyclif early in the debate, see *WA* 59:436. For arguments from the condemnation of Hus at Constance, see e.g. *WA* 59:489, 494, 511. Scott Hendrix, *Luther and the Papacy: Stages in a Reformation Conflict* (Philadelphia: Fortress Press, 1981), 85–94; David V. N. Bagchi, *Luther's Earliest Opponents: Catholic Controversialists, 1518–1525* (Minneapolis: Fortress Press, 1991), 70–77.

4 *WA* 59:490–91.

5 *WA* 59:453, 482–83. Caesar Pflug intervened briefly with a similar argument based on the Florentine decree of union with the Greeks. For a reference by Eck to the Florentine union in his defense of Purgatory, see *WA* 59:530–31.

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That was not the case for Luther. Among the opinions of Luther on papal and conciliar power not acceptable in Rome, one of the least bearable must have been his saying, in opposition to indulgence decrees by Sixtus IV and Leo X, that the church's "accepting opinions does not, therefore, make truths of opinions."[6] Even his tepid statements about not disrespecting indulgences and embracing councils ruled by the Spirit were undermined by his referring to the illegitimacy of some gatherings (*de illegitimate congregationis*).[7] When Eck said he followed the opinion of the see of Peter on the decrees of Sixtus and Leo, Luther added, *Et ego*. This may not have been believed in Rome, where his statements about popes and councils being humans capable of error could not have been ignored. Ironically, Eck had lured Luther onto ground he never had intended defending in Leipzig.[8] Likewise Luther's description of papal decretals as "most trivial" must have been received badly in the Roman curia, where he already was being reviewed for what he had said in the *Ninety-Five Theses*.[9]

Luther's own summary of the debate, in a letter to Spalatin, underlines Eck's acrimony, venom and stamping about, never admitting that his opponent had done more than just bringing up Petrine primacy and the condemnation of Hus at Constance, putting him on a wrong foot. Luther claimed instead that he had vindicated certain of the Bohemian reformer's statements from the words of the council itself.[10] He must not have thought at that moment about how this topic would be understood in Rome, putting him in the worst light, including for discussing errant popes and councils. The remainder of this essay will underscore how the debates of the late medieval conciliar movement and their after-effects in the controversy over the Pisan *conciliabulum* created suspicion of Luther as a conciliarist, directly influencing many of the chief antagonists of the *causa Lutheri* and setting the stage for the disputation at Leipzig, as well as Luther's later condemnation.

6 *WA* 59:569,4294–95: "Hoc tamen addo, quod ecclesia accipiens opiniones non facit ideo ex opinionibus veritates." Eck had referenced these decrees, see *WA* 59:560.

7 *WA* 59:558 (on Constance condemning those who rejected indulgences) and 571,4342–45 (on good councils and illegitimate congregations). Eck had cited the condemnation by Constance, see *WA* 59:555.

8 *WA* 59:572. Paul R. Hinlicky, "The Leipzig Debate (*LW* 31: 313–25): Introduction," *Virginia Synod Luther Studies* (2016–2017), 1–2. The papacy and councils were not topics in the theses Luther proposed defending in Leipzig, Hinlicky, "Leipzig Debate," 3.

9 *WA* 59:477,1395: "De decretis miratur me dicere frigidissima decreta…." Luther also said the pope and his flatterers could not remove a saint from heaven; see *WA* 59:466.

10 Hinlicky, "Leipzig Debate," 5.

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2 The Late Medieval Conciliar Movement

The papacy has been accused of becoming "amnesic" in the later fifteenth century about the value of general councils to the church, although there was opinion elsewhere in Europe that such assemblies were essential to the welfare of the church. Even the gathering by a reigning pope of a council at the Lateran in 1512 did not alleviate concerns in Rome about the threat of conciliarism to the papacy's central power.[11] This perceived threat would cause alarm again in the earliest years of the controversies over indulgences and divine right, and it would take its most concrete shape in the Protestant call for a "free Christian council in German lands."

There was a reason for this willful amnesia about – one might even call it an aversion to – any demand for a general council, especially one "free" from Roman control. The most significant threat to papal supremacy in the fifteenth century had arisen from the efforts of general councils to limit papal power. This claim was first embodied in the decree *Haec sancta* of the Council of Constance (1414–1418). That decree, issued when the survival of the council was threatened by the flight of the Pisan pope, John XXIII, from Constance, claimed power because of its being "lawfully assembled in the Holy Spirit." Consequently, the council had power not just in matters of ecclesiastical unity, ending the Great Western Schism (1378–1417), but in matters of faith and reform "in head and members." The council's ending the Schism made its decrees binding, including *Haec sancta* and its condemnations of John Wyclif and Jan Hus.[12] The Council of Basel (1431–1439) drew on *Haec sancta* as well as on the Constance decree *Frequens*, which required frequent convocation of councils, in its fight with Pope Eugenius IV (1431–1447) over supremacy in the church.[13] Especially important had been the council's desire to impose reforms on the Roman curia. These reforms threatened the papal role in filling

11 John W. O'Malley, *Trent: What Happened at the Council* (Cambridge, MA: Belknap Press, 2013), 32; Hubert Jedin, *A History of the Council of Trent*, trans. Ernest Graf, 2 vols. (London: Thomas Nelson and Sons, 1957), 1:61.

12 *Conciliorum Oecumenicorum Generaliumque Decreta*, ed. Giuseppe Alberigo, Alberto Melloni and Daniele Dainese (Turnhout: Brepols, 2013), 11/1:548–50; C. M. D. Crowder, ed., *Unity, Heresy and Reform, 1378–1460: The Conciliar Response to the Great Schism* (New York: St. Martin's Press, 1977), 82–83. For the long history of arguments over *Haec sancta*, see Francis Oakley, *The Conciliarist Tradition: Constitutionalism in the Church 1300–1870* (Oxford: Oxford University Press, 2003), 91–95, 128, 256–57; Thomas M. Izbicki, "Papalist Reaction to the Council of Constance: Juan de Torquemada to the Present," *Church History* 55 (1986): 7–20.

13 *Conciliorum Oecumenicorum Generaliumque Decreta*, 11/1:08–609; Crowder, *Unity, Heresy and Reform*, 128–29. For reenactment and exposition of *Frequens* by the Council of Basel,

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benefices and its revenues, especially the annates collected from new appointees to ecclesiastical livings.[14] Although Basel prevailed at first in its struggle with the pope, it divided over the choice of a site at which to meet with the Byzantine emperor John VIII and representatives of the Greek church. This division allowed Eugenius to convoke the Council of Ferrara-Florence (1438–1445), which achieved temporary reunion of the Eastern and Western churches. This assembly also saw Eugenius reassert his superiority to the conciliar challenge in the decrees *Moyses* and *Etsi non dubitemus*. Following the lead of Juan de Torquemada, the pope asserted in both that *Haec sancta* was the act of only one obedience (that is, of the Pisan pope John XXIII) in the Schism.[15] The Council of Basel responded by declaring conciliar supremacy a dogma and declaring Eugenius deposed. The papacy won the diplomatic war which followed, but only by making concessions to the princes. The Basel council and its antipope, Felix V (Amadeus VIII of Savoy), eventually recognized Eugenius' successor, Nicholas V, and gave up the struggle.[16]

The pamphlet war of Basel and the pope from Eugenius's reign continued into Nicholas's pontificate. Conciliar writings by, among others, Nicholas of Cusa (who later gave up Basel for the pope), John of Segovia, and the eminent canonist Nicholas de Tudeschis, known as Panormitanus, emphasized the authority of *Haec sancta* and the derivation of conciliar power from the universal

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see *Conciliorum Oecumenicorum Generaliumque Decreta*, II/2:744–45 [Session I], 829–30 [synodal letter *Cogitanti*], 879–84 [Session XI].

14 *Conciliorum Oecumenicorum Generaliumque Decreta*, II/2:891–95 [Session XII], 954–56 [Session XXI], 979–81 [Session XXIII], 1039–45 [Session XXXI]. See Gerald Christianson, "Annates and Reform at the Council of Basel," in *Reform and Renewal in the Middle Ages and Renaissance*, ed. Thomas M. Izbicki and Christopher Bellitto (Leiden: E.J. Brill, 2000), 193–207; Birgit Studt, "The Reforms of the Council," in *A Companion to the Council of Basel*, ed. Michiel Decaluwé, Thomas M. Izbicki and Gerald Christianson (Leiden: E.J. Brill, 2016), 282–309.

15 *Conciliorum Oecumenicorum Generaliumque Decreta*, II/2:1208–59, 1271–1306. See Ivan Mariano, "The Council and Negotiations with the Greeks," in *Companion to the Council of Basel*, 310–39; Joseph Gill, *The Council of Florence* (Cambridge: Cambridge University Press, 1959); Thomas M. Izbicki, "The Council of Ferrara-Florence and Dominican Papalism," in *Christian Unity: The Council of Ferrara-Florence 1438/39–1989*, ed. Giuseppe Alberigo (Louvain: Peeters, 1991), 429–43; and Remigius Bäumer, "Die Stellungnahme Eugens IV. Zum Konstanzer Superioritätsdekrete in der Bulle *Etsi non dubitemus*," in *Das Konzil von Konstanz: Beiträge zu seiner Geschichte und Theologie*, ed. August Franzen, 337–56 (Freiburg: Herder, 1964).

16 *Conciliorum Oecumenicorum Generaliumque Decreta*, II/2:1064–65 [Session XXXIII, *tres veritates*], 1066–69 [Session XXXIV, deposition of Eugenius]; Joachim Stieber, *Pope Eugenius IV, the Council of Basel and the Secular and Ecclesiastical Authorities in the Empire: The Conflict over Supreme Authority and Power in the Church* (Leiden: E.J. Brill, 1978).

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church. The conciliarists, however, did not make up a single coherent school of thought. All expected councils to check papal pretensions, and all thought councils received their power from representing the entire church. Cusanus, in addition, justified the council's authority by balancing out hierarchy and consent via representation of the entire church.[17] However, they differed on whether a council, guided by the Spirit, was infallible. Notably, Panormitanus, believed a council could err.[18]

Papalists were spearheaded by the Dominican cardinal Juan de Torquemada. In his *Summa de ecclesia* (1453), he rejected *Haec sancta* as the work of only one obedience in the Schism. He also argued that the power of ecclesiastical jurisdiction was derived from Peter and his successors, the popes, a lead many papal apologists followed.[19] Torquemada believed a pope could lose his see for erring in faith; but he was ambivalent about infallibility, which he believed resided more in the office than in the person of the pope.[20] One area in which the papacy had prevailed was control of indulgences. The Council of Basel had issued one to support a council with the Greeks; but the Holy See had continued successfully issuing indulgences despite criticisms in Germany that even the Jubilee indulgence of 1450 was a device to drain money to Rome.[21]

17 Nicholas of Cusa, *The Catholic Concordance*, trans. Paul E. Sigmund (Cambridge: Cambridge University Press, 1996); Antony J. Black, *Monarchy and Community: Political Ideas in the Later Conciliar Controversy 1430–1450* (Cambridge: Cambridge University Press, 1970); Anthony J. Black, *Council and Commune: The Conciliar Movement and the Fifteenth-Century Heritage* (London: Burns and Oates, 1979); and Giuseppe Alberigo, *Chiesa conciliare: Identità e significato del conciliarismo* (Brescia: Paideia, 1981).

18 Hermann Schüssler, "Sacred Doctrine and the Authority of Scripture in the Later Middle Ages and the Reformation," in *Reform and Authority in the Medieval and Reformation Church*, ed. Guy Fitch Lytle, 55–68 (Washington, DC: Catholic University of America Press, 1981).

19 Thomas M. Izbicki, "The Revival of Papalism at the Council of Basel," in *Companion to the Council of Basel*, 137–63; Izbicki, *Protector of the Faith: Cardinal Johannes de Turrecremata and the Defense of the Institutional Church* (Washington, DC: Catholic University of America Press, 1981). On the theoretical threat of councils in the later fifteenth century, although some members of the curia thought a council could convene under urgent circumstances, see J. A. F. Thomson, *Popes and Princes: Politics and Polity in the Late Medieval Church* (London: George Allen & Unwin, 1980), 14–15, 16–17, 18–19.

20 Thomas M. Izbicki, "Infallibility and the Erring Pope: Guido Terreni and Johannes de Turrecremata," in *Law, Church and Society: Essays in Honor of Stephan Kuttner*, ed. Kenneth Pennington and Robert Somerville (Philadelphia: University of Pennsylvania Press, 1977), 97–111.

21 Thomas M. Izbicki, "Indulgences in Fifteenth-Century Polemics and Canon Law," in *Ablasskampagnen des Spätmittelalter: Luthers Thesen von 1517 im Context*, ed. Andreas Rehberg (Berlin: De Gruyter, 2017), 89–96.

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Neither side prevailed throughout Europe on questions of authority and reform. Conciliar sentiment endured in the North, especially at the Sorbonne; and papalism was prevalent in Italy, especially in Rome.[22] The authority of Basel endured in other ways. Its decrees remained valid in the North. At first the princes accepted these decrees at formal assemblies. The Pragmatic Sanction of Bourges (1438), fruit of an assembly called by King Charles VII of France, accepted reform decrees, including those restricting papal patronage and abolishing annates. It also contained the decree *Frequens* as a reminder that a new general council should be held. The papacy would campaign for repeal of the Sanction with mixed success for decades until it was replaced by the Concordat of Bologna in 1516, agreed upon when Francis I was courting an alliance with the papacy.[23] Local French councils accepted many of these decrees as well, including the proclamation of Mary's Immaculate Conception as dogma, which the Pragmatic Sanction did not.[24] An apology for the Marian doctrine originating from Rouen in 1514 cited the Council of Basel and the decree *Grave nimis* of Sixtus IV, often together.[25]

The Empire adopted for a time a neutral stance between pope and council. However, it adopted many of Basel's reforms, including those affecting ecclesiastical appointments, in the Acceptation of Mainz (1439). That document also included *Frequens* and the Eucharistic decree *Ut lucidus*, which was pertinent to relations between the Catholic princes of the Empire and the Utraquist faction of Hussites. The Utraquists had agreed to the Basel Compacts, which permitted Hussites to receive communion under both species. That had

22 Oakley, *Conciliarist Tradition*, 111–216.

23 *Ordinances des rois de France de la troisième race …* (Paris: de l'imprimerie royal, 1782), 267–91. See also Noël Valois, *Histoire de la Pragmatique sanction de Bourges sous Charles VII* (Paris: Picard, 1906).

24 *Conciliorum Oecumenicorum Generaliumque Decreta*, II/2:1074–76; Studt, "Reforms of the Council," 308–09; and Thomas M. Izbicki, "The Official Records of the Council," in *Companion to the Council of Basel*, 41–49, at 46–49.

25 *Le defensoire de la Conception de la glorieuse Vierge Marie en Forme de Dialogue a Rouen chez Maistre Martin Morin, l'An de grace 1514* (Louvain: en l'Imprimereie de l'Immaculee Conception de Notre Dame, 1666), 145, "Regard encore son privilege escript en ville de Basle, au Concile qui se commence: *Sacroscrosancta Synodus Basiliensis in Spritu sancta legitimè congregata universalem Ecclesiam repraesentans, ad perpetuam rei memoriam, &c.*" At 203, 209–12, 219, 227 the author cited the authority of both Pope Sixtus IV and the Council of Basel, at the latter place answering the objection raised by Juan de Torquemada. The book ends with full texts of Basel's decree *Elucidantibus* and Sixtus' bull, which was added to the *Corpus Juris Canonici* [Extrav. Commun. 3.12.2]. This Marian text was provided to the author by the late Gérard Defaux.

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been a key demand of the Bohemians in their negotiations with the council.[26] German councils were more cautious in adopting conciliar reforms. The Basel decree restated most often was that banning clerical concubinage.[27] (The German princes and prelates were reluctant to accept similar reforms enacted by Nicholas of Cusa when he was papal legate to Germany in 1451–1452, exactly because he was a former adherent of the Council of Basel.[28])

A more urgent worry of the popes in this context was the use of appeals by political foes, clerical or lay, to a future general council, even in the face of papal prohibitions. The most colorful challenge arose in the pontificate of Pius II (1458–1464). Diether von Isenburg, successful contestant for the archbishopric of Mainz, refused to pay the "services" due to Rome. When he was excommunicated for this failure, Diether appealed to a future council. He employed as a polemicist Gregor Heimburg, who was also defending Sigismund, duke of Tyrol, in a heated controversy with Nicholas of Cusa.[29] When Pius issued the decree *Execrabilis*, condemning such appeals, Gregor publicly asserted the ability of councils to correct popes. He refused to be moved by pro-papal arguments. When Diether made peace with Pius (1463), he did so without admitting his appeal was illegal.[30] In the same period, Charles VII of France and George Podiebrad, king of Bohemia, demanded a "free council" outside papal control. The popes responded to Charles with a demand that the French king renounce the Pragmatic Sanction with its included Basel decrees, something his son Louis XI would do temporarily for political reasons. Soon the king was

26 *Quellen zur Kirchenreform im Zeitalter der grossen Konzilien des 15. Jahrhunderts*, ed. Jürgen Miethke and Lorenz Weinrich (Darmstadt: Wissenschaftliche Buchgesellschaft, 2002), 2:442–49; Stieber, *Pope Eugenius IV*, 155–173; and Thomas A. Fudge, "The Hussites and the Council," in *Companion to the Council of Basel*, 254–81.

27 See above n. 11.

28 Morimichi Watanabe, "The German Church Shortly before the Reformation: Nicolaus Cusanus and the Veneration of the Bleeding Hosts at Wilsnack," in *Reform and Renewal in the Middle Ages and the Renaissance: Studies in Honor of Louis Pascoe, S. J.*, ed. Thomas M. Izbicki and Christopher M. Bellitto (Leiden: E.J. Brill, 2000), 208–23; Donald D. Sullivan, "Nicholas of Cusa as Reformer: The Papal Legation to the Germanies 1451–1452," *Mediaeval Studies* 36 (1974): 382–428; and Ludwig Pastor, *History of the Popes*, trans. F. L. Antrobus (St. Louis: Herder, 1898), 2:106–07.

29 Pardon E. Tillinghast, "Nicholas of Cusa vs. Sigmund of Hapsburg: An Attempt at Post-Conciliar Church Reform," *Church History* 36 (1967): 371–90.

30 *Defensorium obedientiae apostolicae et alia documenta*, ed. Heiko Oberman, Daniel E. Zerfoss and William J. Courtenay (Cambridge, MA: Belknap Press, 1968); Thomson, *Popes and Princes*, 14–18; P. S. Lewis, "The Concordat of 1472: An Essay on the Relations between Louis XI and Sixtus IV," in *The Recovery of France in the Fifteenth Century*, ed. P. S. Lewis, trans. G. F. Martin (New York: Harper and Row, 1972), 102–84. Mathias Hugonis would deny that *Execrabilis* eliminated the ability to appeal to a council, Jedin, *History*, 1:67–68.

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at odds with the pope, and one of his tactics was issuing an ordinance calling on the pope to convoke a council, especially because of the threat posed by infidels, probably the Turks. A French embassy to Rome even presented the demand for a reforming council, only to have it rejected by the cardinals. Louis's son, Charles VIII, resorted to this tactic to pressure Alexander VI, urged to do this by Cardinal Giuliano della Rovere, the Borgia pope's foe and the eventual Pope Julius.[31]

Appeals to a council were widespread, usually prompted by a specific disagreement with a reigning pope and based on *Frequens*. French clerical assemblies twice demanded convocation of a council, and an archbishop of Rheims elicited sentiment that denying the pope could revoke Basel decrees contained in the Pragmatic Sanction.[32] The University of Paris made appeals to a future council in 1500 and 1502 in local disputes late in the reign of Alexander VI (1492–1503).[33] Demands for a "free" council were made by Castilian grandees at odds with a papal legate (1467), and Queen Isabella would appeal when Sixtus IV did not name her confessor bishop of Cuenca.[34] In Italy, the humanist Platina made the mistake of saying councils prevented Paul II from abolishing the curial College of Abbreviators. He ended up in the Castel Sant'Angelo.[35] Venice issued an appeal in 1483, and Ferdinand of Naples appealed against a papal tax in 1489.

Sentiment for a "free" council in Germanic lands remained alive within the Empire.[36] More unusually, Andrew Zamometić of Krania tried without success to revive the Council of Basel in opposition to Sixtus IV, who issued a fresh prohibition of appeals to a future council. Florence and Milan sent observers, and Naples threatened to send a delegation; but nothing came of this. Zamometić finished his career a prisoner.[37] Closer to home, there was sentiment in the curia for convocation of a general council, at least in an emergency.[38] However, Rodrigo Sánchez de Arévalo was closer to papal sentiment when he said, in reply to one of Louis XI's conciliar appeals, that a council should be held only in Rome. He also argued that only a Roman pontiff, not a king or prince,

31 Thomson, *Popes and Princes*, 16, 18; Jedin, *History*, 1:50–52, 55–56, 58.
32 Jedin, *History*, 1:54, 57–58.
33 Thomson, *Popes and Princes*, 20.
34 Jedin, *History*, 1:53–54.
35 Jedin, *History*, 1:1, 71.
36 Jedin, *History*, 1:197–219.
37 Thomson, *Popes and Princes*, 15, 18; Jedin, *History*, 1:60, 73–74, 101–06.
38 Jedin, *History*, 1:95–99. Foes of Alexander VI hoped his successor, the short-lived Pius III, would call a reforming council, Jedin, *History*, 1:75.

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could convoke a general council.[39] The popes themselves used mention of a tame council in reply to conciliar agitation. Pius II pioneered this tactic, and Sixtus IV used it in reply to Louis XI's conciliar agitation. However, Sixtus did not want to have a council forced on him.[40] As the fifteenth century waned, conciliarism remained a quiet undercurrent in ecclesiastical life and thought, but its embers would be reignited at the dawn of the sixteenth century.

3 Conciliarism, Pisa, and Lateran V

A larger storm broke in 1511 in reaction to the politics of Pope Julius II (1503–1513). Julius, a militant pope, was active in the wars of Italy, eventually participating in the League of Cambrai, which pushed Venice hard. Desperate, the Republic appealed to a future council. This appeal inspired Julius's 1509 prohibition of appeals from pope to council.[41] The pope eventually turned against his non-Italian partners in the League, especially France, hoping to drive them out of Italy. Venice – the *Serenissima* – then made peace with the pope, including in the negotiations a promise not to appeal to a future council. Diplomacy by Louis XII of France and the Emperor Maximilian failed to resolve their differences with Pope Julius, and the threat that these rulers might call a general council received a frosty reception from the pope.[42]

A real and dangerous effort to call a council was then made by five cardinals frustrated by Julius' failure to convoke a general council, as he had promised in the electoral capitulations agreed to in the 1503 conclave, which had been ratified by oath after his election to the papacy.[43] These cardinals chose Pisa, the site of the 1409 council which had attempted unsuccessfully to heal the Schism. They were prompted in part by Louis of France. The king of France had been advised by a synod in Tours in 1510 that he could call a council under the terms of the Pragmatic Sanction, which included *Frequens*. Angered by Julius' political *volte face*, Louis hoped the council would punish him. In addition, the Emperor Maximillian gave this assembly, called a pseudo-council or

39 Jedin, *History*, 1:72; Richard H. Trame, *Rodrigo Sánchez de Arévalo, 1404–1470, Spanish Diplomat and Champion of the Papacy* (Washington, DC: Catholic University of America Press, 1958), 192–93.

40 Jedin, *History*, 1:70–71, 73–75.

41 Jedin, *History*, 1:67.

42 Christine Shaw, *Julius II: The Warrior Pope* (Oxford: Blackwell, 1997), 209–43, 281–86, 293–94.

43 Cardinals in conclave often promised a council in capitulations, but the elected pope always ignored that promise, Jedin, *History*, 1:90–92.

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conciliabulum by its foes, support for his own ends. The assembly claimed supremacy under *Haec sancta* as a general council representing the church, but it failed to find traction with enough princes and prelates to defeat Pope Julius. The assembly did not even attempt to depose him, and its effort to suspend him from office was ignored in Rome. The Pisa assembly moved eventually to Milan, Asti and Lyon, as French power in Tuscany and Lombardy waned; and eventually it dissolved, losing support from both the king and the conciliarists at the Sorbonne.[44] Julius' successor, Leo X, was able to bring the dissident cardinals who had called the Pisan assembly back into the Roman fold. They and other former adherents of Pisa had to renounce their adherence to the *conciliabulum* and embrace the Fifth Lateran Council instead. Leo also was able to mollify France, ending the threat of an enduring schism. In December of 1513, representatives of France renounced the Council of Pisa and adhered to the Lateran Council. However, a full French delegation delayed coming to Rome. Pope Leo gradually lifted the ecclesiastical censures Julius had imposed on clerics involved in the *conciliabulum*. Clerics who had received benefices from the Council of Pisa had to work out terms for confirmation by Rome, including doing penance for their past errors. Louis XII negotiated toward abrogation of the Pragmatic Sanction, but this did not happen in his lifetime. However, Francis I, Louis' successor, seeking an alliance with the pope against the rising power of the Habsburgs, gave up the Pragmatic Sanction in return for a concordat.[45]

Julius, who as a cardinal had urged Charles VIII of France to call a council to judge Alexander VI, now saw his weapon turned against him. The pope took this conciliar threat seriously enough to respond in two ways. One was polemical: he had writers refute the case for conciliar supremacy being argued by supporters of the assembly in Pisa, setting off a pamphlet war in which the contestants made use of the medium of print. The most important of these writers was the Dominican theologian Tommaso de Vio Cajetan, who wrote a comparison of conciliar and papal power, siding with the supremacy of the latter in the right order of the church. Its anti-conciliar arguments depended in part on Juan de Torquemada's writings. King Louis had the Sorbonne reply. The professors chose Jacques Almain, a young theologian, for this purpose. He compared in his tract the spiritual and temporal powers, using the comparison to argue that both require limits on rulers, limits a council sets in the church.

44 Augustin Renaudet, *Le concile Gallican de Pise-Milan* (Paris: Honoré Champion, 1922); Jedin, *History*, 1:106–13.

45 Nelson H. Minnich, "The Healing of the Pisan Schism (1511–13)," *Annuarium Historiae Conciliorum* 16 (1984): 59–192.

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Cajetan replied by arguing that the papacy was divinely founded and not subject to the limits placed on temporal regimes. He did admit, however, that the tie of an erring pope to his see could be judged. Despite this concession to traditional worries about papal heresy, Cajetan was not arguing a position acceptable to the Sorbonne.[46] However, only after Almain's early death would John Mair, his teacher, reply to Cajetan, defending conciliarism. These writings on behalf of councils were to appear in printed collections of Jean Gerson's works grouped with his tracts on the Schism and its conciliar solution.[47]

Antonio Trombeta, a Franciscan theologian, like Cajetan, tried to limit conciliar power over popes, limiting it to papal heresy and a case in which no one knew who was pope, another argument tied to Torquemada's papalism.[48] A more trenchant defense of Julius was offered by Angelo da Vallombrosa, who thought Cajetan was too lenient in his critique of the Pisan assembly and its supporters.[49]

The other move was summoning a council to meet at the Lateran, an action which Paris de Grassis, the papal master of ceremonies, thought a ploy to defeat the council at Pisa. Certainly, this was a measure Julius would not have adopted without the pressure applied at Pisa, although he claimed that only the events of his time had prevented summoning a council previously.[50] This Fifth Lateran Council met in 1512 and continued to 1517 under Julius' successor, Leo X (1513–1521), long after the *conciliabulum* had ended. Both popes, the fierce Julius and the milder Leo, kept the council under their control as far as possible, especially in setting the agenda. This made it different from the "free" council critics of Rome demanded. However, the council was commanded to institute reforms and to organize an "expedition against the enemies of the

46 Brian Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism*, 2nd ed. (Leiden: E.J. Brill, 1998).

47 J. H. Burns and Thomas M. Izbicki, ed., *Conciliarism and Papalism* (Cambridge: Cambridge University Press, 1997); Izbicki, "Cajetan's Attack on Parallels Between Church and State," *Cristianesimo nella storia* 29 (1999): 81–89.

48 Nelson H. Minnich, "Luther, Cajetan and *Pastor Aeternus* (1516) of Lateran V on Conciliar Authority," in *Martin Luther in Rom: Die Ewige Stadt als kosmopolitisches Zentrum und ihre Wahrnehmung*, ed. Michael Matheus, Arnold Nesselrath and Martin Wallraff (Berlin: De Gruyter, 2017), 187–204, at 192, 197. Minnich notes at 189 and 220 that Ferdinand of Aragon recommended clarifying when a council had to be called in the event of papal heresy or a disputed papal election, even revoking the decrees of Constance and Basel elevating councils over the pope.

49 J. H. Burns, "Angelo da Vallombrosa and the Pisan Schism," in *The Church, the Councils and Reform: The Legacy of the Fifteenth Century*, ed. Gerald Christianson, Thomas M. Izbicki and Christopher M. Bellitto (Washington, DC: Catholic University of America Press, 2008), 194–211.

50 Shaw, *Julius II*, 286.

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faith," not just defeat the council at Pisa. Leo himself saw reform as a restoration of discipline and good morals, although others expected changes in the status quo and expressed this. One of the areas in which bishops forced changes in proposed decrees was insisting that they applied to cardinals, not just the episcopate. The bishops also pressed with some success for restrictions on the privileges of the orders of friars. Lateran V thus ended up as no rubber stamp for Leo X.[51]

This council is too easily seen in the light of the religious tempest which broke in Northern Europe shortly after its conclusion.[52] However, it was conducted by Julius II and his successor with the church's unity and reform as its major issues. Unity meant to them ending the schism caused by the *conciliabulum* of Pisa. Reform of clerical discipline and curial practice was to be pursued by the council while avoiding what much of Europe expected, reform "in head" more than "in members," curtailing the powers and fiscal exactions of the papacy. Pope Julius also was concerned with the potential revocation of the Pragmatic Sanction of Bourges, an issue Leo X would address when he succeeded him in the see of Peter. Both popes regarded it as a threat to unity under obedience to Rome.[53]

The Fifth Lateran Council began under Pope Julius with formal orations by Giles of Viterbo, prior general of the Augustinians, and Cajetan.[54] The council condemned the assembly at Pisa as a *conciliabulum*, and then it condemned the cardinals who had summoned it. The first of these decrees echoed the language of *Haec sancta* by claiming the council was legitimately assembled in the Holy Spirit. In the fourth session the council condemned the Pragmatic Sanction, treating it as a matter of faith. These decrees were issued under

51 Nelson H. Minnich, "Julius II and Leo X as Presidents of the Fifth Lateran Council (1512–1517)," in *La papauté à la Renaissance: XLVI^e Colloque international d'études humanistes*, ed. Florence Alazard and Frank La Branca (Paris: Honoré Champion, 2017), 153–66. This type of council, under papal control resembles what Juan de Torquemada envisioned in book III of his *Summa*. See Izbicki, *Protector*, 94–106; Jedin, *History*, 1:70. One proposal by the bishops, for an episcopal college, failed, since pope and cardinals opposed it, Nelson H. Minnich, "The Proposals for an Episcopal College at Lateran V," in *Ecclesia militans: Studien zur Konzilien- und Reformationsgeschichte, Remigius Bäumer zum 70. Geburtstag gewidmet*, ed. Walter Brandmüller, Herbert Immerkötter and Erwin Iserloh (Paderborn: Ferdinand Schöningh, 1988), 2:213–32.

52 Richard J. Schoeck, "The Fifth Lateran Council: Its Partial Successes and Larger Failures," in *Reform and Authority*, 99–126.

53 Pardon E. Tillinghast, "An Aborted Reformation: Germans and the Papacy in the Mid-Fifteenth Century," *Journal of Medieval History* 2 (1976): 57–79.

54 John W. O'Malley, *Praise and Blame in Renaissance Rome: Rhetoric, Doctrine and Reform in the Sacred Orators of the Papal Court, c. 1450–1521* (Durham, NC: Duke University Press, 1979), 68, 110, 128, 195, 199, 201–04, 220, 229.

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Julius's name with the council's approval (*sacro approbante concilio*). This practice fit the ideas about pope and council propounded in many orations introducing conciliar sessions.[55] Even before Julius died, the Lateran Council had begun attempting reform of the papacy and the curia. Simony was prohibited in papal elections.[56]

Under Pope Leo, legislation was also issued in the pope's name with the council's approval. These had been prepared by a committee which the pope supervised. Decrees were enacted attempting reform of the curia. More general ecclesiastical reforms were also attempted, including efforts to resolve the thorny problem of relations between the secular clergy and the mendicant orders. None of these decrees decentralized reform in the way a synod at Burgos recommended to the Spanish king.[57] A novel decree ordered supervision of printing to prevent the circulation of theological errors. (This measure would not have prevented the circulation of Luther's polemical writings.)[58] Among the participants in the council, only Cajetan and Cardinal Riario, the dean of the College of Cardinals, sensed that there was trouble ahead if the Lateran reforms, which had loopholes, failed to improve the discipline and pastoral labors of the church. In fact, the Lateran Council adjourned in 1517, the year in which Luther composed his *Ninety-Five Theses*. This proved an ominous sign for what would emerge in the wake of the Leipzig Debate concerning Luther's view of conciliar fallibility.

4 Conciliarism and Luther's Trial

Once the issues raised at Leipzig were made known in Rome, they might be referred to one or both of the curia's leading Dominican Papalists, Cajetan and Sylvester Prierias. Luther was aware of both of them from the controversy ensuing from the indulgence theses.[59] Cajetan had delivered an oration on the

55 *Conciliorum Oecumenicorum Generaliumque Decreta*, II/2:1344–51. Under Pope Leo further legislation against the Pragmatic Sanction was approved, II/2:1402–03, 1434–42. For the Concordat of Bologna, see II/2:1408–34. See also Nelson H. Minnich, "Concepts of Reform Proposed at the *Fifth Lateran* Council," *Historiae Pontificiae* 7 (1969): 163–251, at 230.

56 *Conciliorum Oecumenicorum Generaliumque Decreta*, II/2:1351–57.

57 *Conciliorum Oecumenicorum Generaliumque Decreta*, II/2:1359–63, 1368–70, 1376–91, 1394–1400, 1442–47; Minnich, "Concepts of Reform," 214.

58 *Conciliorum Oecumenicorum Generaliumque Decreta*, II/2:1400–02.

59 Erasmus thought neither man, both Scholastics and Papalists, did well when replying to Luther; see Michael Tavuzzi, *Prierias: The Life and Works of Silvestro Mazzolini da Priero, 1456–1527* (Durham, NC: Duke University Press, 1997), 119.

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church for the second session of the Fifth Lateran Council. It was concerned with the right order of the church, the ending of schism and reform. The oration began, after a brief address to Pope Julius, with an invocation of the descent of the New Jerusalem from heaven, as it is described in the book of Revelation (Rev. 21:2). This allowed Cajetan to present a picture of the church as a beautifully ordered city. Its perfections included the sacraments, the apostles, evangelists, prophets, pastors, doctors and martyrs. It had the power to bind and loose, but it also had the gifts of the Spirit.[60] Employing a reference to the hierarchic thought of Pseudo-Dionysius, Cajetan said the church on earth was ordered under the supreme pontiff.[61] The Church Militant had in its own way the perfections found in the Church Triumphant.[62] Cajetan denied, however, that the assembly at Pisa had those perfections. Pisa did not descend from heaven. It shared the mistakes of Constance and Basel, which the Lateran synod did not share. Among other things, the Lateran Council had been called by the Vicar of Christ.[63] The pope had, moreover, forbidden attendance at Pisa using the power given him by God. The council Julius had summoned would act for the welfare of the Christian people, and thus the council would ascend to heaven. This vision left no room for dissidence in a rightly ordered church. It did require serious reform, especially by strengthening the laws, to undermine the Pisa assembly and restore the beauty of the Mystical Body under its visible head, the Vicar of Christ.[64]

Cajetan had been made a cardinal by Pope Leo in 1517, and he had already met with Luther in Augsburg in the fall of 1518. Faced with a demand by the cardinal that he yield to church authority, Luther refused. In their discussions, Cajetan tied indulgences directly to papal power, citing Clement VI's bull *Unigenitus*, which changed the timing of the Jubilee established by Boniface VIII in his bull *Antiquorum* (Extrav. Commun. 5.9.1) from once in a century to once in fifty years. Luther said he knew about the text, which was found in the

60 *Opuscula omnia Thomae de Vio Caietani Cardinalis Tituli sancti Xysti* (Venice: Apud Iuntas, 1588), 1:281–85, at 281. On the episcopate, especially the pope, as dispensing from the treasury of merits, an opinion authored during Leo X's pontificate, see *Tractatus de indugentiarum thesauro*, in *Opuscula omnia*, 1:115–19 at 119. For an argument that the power of the keys extends to souls in Purgatory but only because of the treasury of merits of Christ and the saints, the common goods (*bona*) of the Church, see *Tractatus de indulgentiis in sex quaestiones divisus*, in *Opuscula omnia*, 1:138–50 at 150: Quaestio VI. Cajetan was critical of the indiscrete use of indulgences, but he would not budge on the pope's right to issue them, Izbicki, "Indulgences in Fifteenth-Century Polemics and Canon Law," 101.

61 *Opuscula omnia Thomae de Vio Caietani*, 1:281–82.

62 *Opuscula omnia Thomae de Vio Caietani*, 1:283.

63 *Opuscula omnia Thomae de Vio Caietani*, 1:283, 288.

64 *Opuscula omnia Thomae de Vio Caietani*, 1:288–89; Minnich, "Concepts of Reform," 175–79.

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published canon law (Extrav. Commun. 5.9.2); and he argued back that popes and councils, theologians as well, could err. One piece of evidence for Luther was Lateran V's decree *Pastor aeternus* (1516), aimed at annulling the Pragmatic Sanction and limiting the scope of *Haec sancta*. The Lateran decree also rejected whatever Basel enacted after the council's break with Pope Eugenius, including its attempt to define the Immaculate Conception as dogma. Cajetan reportedly cited the decree in their meeting at Augsburg, saying that it "abrogated" the Council of Basel, although that council was not mentioned by name in the text. If one council could overrule another, Luther concluded, only Scripture was a safe guide. He came to dismiss Lateran V as an "assembly of small men."[65] This encounter with Cajetan was a step toward Luther's eventual break with Rome, although he did not yet despair of a peaceful resolution of the controversy. It would not fail until after the Leipzig debate.[66] (In the same period, Luther was ignoring a citation to appear in Rome for examination of his suspect opinions.)[67]

Sylvester Prierias was Master of the Sacred Palace and consequently the pope's theological adviser *ex officio*.[68] Although a fellow Dominican and Thomist, Prierias was critical of Cajetan's theology as not sufficiently faithful to the Angelic Doctor. He also, together with Bartolomeo Spina, thought Cajetan had been too accommodating to the errors of Pietro Pomponazzi, who argued that Aristotelean philosophy did not support the immortality of the soul, an opinion which had been condemned by the Lateran Council. Moreover, Sylvester was an Observant Dominican, while Cajetan, who had been master general of the order, was a Conventual, although not unsympathetic to reform of the order.[69] Prierias already was involved in the issues raised by Luther. The *Ninety-Five Theses* had been received in Rome in January of 1518, and Prierias may have known about them that early. By May of that year an official inquiry was being mounted in Rome, and Prierias, *ex officio*, was asked to assess their

65 Minnich, "Luther, Cajetan and *Pastor Aeternus*," 187, 200–04. The University of Paris launched an appeal against this decree in 1517, Minnich, "Luther, Cajetan and *Pastor Aeternus*," 200.

66 Izbicki, "Indulgences in Fifteenth-Century Polemics and Canon Law," 101–02, and James Atkinson, *The Trial of Martin Luther* (New York: Stein and Day, 1971), 45–59. Cajetan would write against Luther later, among other things, defending the papacy. On this, see *Cajetan Responds: A Reader in Reformation Controversy*, ed. and trans. Jared Wicks (Washington, DC: Catholic University of America Press, 1978), 105–44.

67 A copy of the citation was sent to Cajetan in Augsburg, Atkinson, *Trial of Martin Luther*, 42–43.

68 On this office, see Raymond Creytens, "Le *Studium Romanae Curiae* et le Maitre du Sacré Palais," *Archivum Fratrum Praedicatorum* 12 (1942): 5–83.

69 Tavuzzi, *Prierias*, 91–104.

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orthodoxy. One fruit of that commission was the Dominican's *Dialogus*, which pitted Sylvester against Martin on topics like indulgences. Luther replied, and Prierias answered him. This exchange went on as the impact of the Leipzig Debate was being felt in Rome, including with the arrival there of John Eck.[70]

The reception of Luther's thought in Rome, eventually, was condemnatory. Leo X's bull *Exsurge Domine* (1520), in the drafting of which both Prierias and Eck had a hand, listed among Luther's errors certain ones concerning the papacy, its binding authority, and the reliability of general councils:

> 25. The Roman Pontiff, the successor of Peter, is not the vicar of Christ over all the churches of the entire world, instituted by Christ Himself in blessed Peter.
> 26. The word of Christ to Peter: "Whatsoever you shall loose on earth," etc., is extended merely to those things bound by Peter himself.
> 27. It is certain that it is not in the power of the Church or the pope to decide upon the articles of faith, and much less concerning the laws for morals or for good works.
> 28. If the pope with a great part of the Church thought so and so, he would not err; still it is not a sin or heresy to think the contrary, especially in a matter not necessary for salvation, until one alternative is condemned and another approved by a general Council.[71]

The fourth of these articles opened up the question of conciliar power, which might overrule a pope in matters not specific to the faith. Even then Pope Leo and his advisers, perhaps with their successful conduct of the Lateran Council in mind, accused Luther of believing he could undermine the authority of legitimate ecclesiastical assemblies. In Rome Luther was seen as claiming to be able to overturn conciliar decrees when they did not seem to be valid: "29. A way has been made for us for weakening the authority of councils, and for freely contradicting their actions, and judging their decrees, and boldly confessing whatever seems true, whether it has been approved or disapproved by any council whatsoever." The influence of Eck's arguments in Leipzig can be seen in the bull, which condemned Luther for accepting articles of Jan Hus condemned at Constance. The reformer said that not even the whole church could condemn those articles which were true: "30. Some articles of John Hus, condemned in the Council of Constance, are most Christian, wholly true and

70 Tavuzzi, *Prierias*, 104–06; Hendrix, *Luther and the Papacy*, 46–52.

71 Translations from *Papal Encyclicals Online*, http://www.papalencyclicals.net/leo10/l10exdom.htm, accessed on November 30, 2017. Hendrix, *Luther and the Papacy*, 107–12.

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evangelical; these the universal Church could not condemn." *Exsurge* forbade anyone anywhere in Germany, lay or clerical, from accepting, supporting or preaching these errors.[72] Luther's writings on all these topics, including what he wrote about indulgences, Purgatory, and free will, were to be rejected and publicly burned. A papal legate was to act with all power to suppress these errors.[73] Luther and his supporters were urged to return to the fold or face punishment. They and anyone supporting them were threatened with excommunication.[74] Territories receiving them were threatened with interdict.[75] The decree was to be posted on cathedral doors in the dioceses of Brandenburg, Meissen, and Merseburg, as well as at Saint Peter's and the Apostolic Chancery in Rome, to publicize these condemnations and threatened punishments.[76]

Needless to say, these threats failed to move Martin Luther to surrender. He already had written *The Babylonian Captivity of the Church*, angrily attacking the pope and questioning the traditional idea of seven sacraments. For a time, he considered a less incendiary approach of seeking rapprochement with Pope Leo as an individual, distinguishing him from his see. This soft approach to the pope failed.[77] By the end of 1520, Luther had responded publicly to the charges made against him in *Exsurge*. He dismissed Rome as the seat of the Antichrist. On December 10, 1520 he publicly burned the pope's bull *Exsurge* together with works of canon law. The excommunication of Luther was announced by the papacy, and Catholic apologists denounced the reformer as a heretic. A battle of the books ensued with both sides using print as the medium of their polemical exchanges. Despite the hopes of some that reconciliation might be effected, the break between Luther and the Holy See was decisive. There would be no reconciliation, and Luther's belief that the Antichrist triumphed in Rome would endure to his death. The Reformation spread, and it became divided between Lutherans and Reformed traditions, set apart from whom were the Anabaptists and other radicals. Rome's eventual response was the Council of Trent, called by Paul III in 1542 in the face of curial resistance and in a context of complex European politics. The "dangerous game of council," as

72 *Concilia Germaniae*, ed. Johann Friedrich Schannat and Joseph Hartzheim (Cologne, 1765), 6:171–79 at 175.

73 *Concilia Germaniae*, 6:175–76.

74 *Concilia Germaniae*, 6:177.

75 *Concilia Germaniae*, 6:178.

76 *Concilia Germaniae*, 6:178. The bull excommunicating Luther was issued in the following year; see 6:179–82.

77 Hendrix, *Luther and the Papacy*, 112–17.

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John O'Malley has called it, ended years later, the council having reaffirmed the papacy, indulgences and the seven sacraments.[78]

Although the late medieval papacy had condemned appeals from pope to council, conciliarism remained alive in Northern Europe on the eve of the Leipzig Debate. The decrees of the Council of Basel were accepted, even those issued after the council's break with Pope Eugenius IV in 1439. The University of Paris remained a bastion of conciliar thought. The court of Leo X was dominated by fear of another anti-papal council, like that at Pisa, which had recently tried to depose Julius II, Leo's predecessor. When Luther began challenging the status quo, Rome treated him in that context. This made papal power a live issue in the Reformation debates. Fear of councils was such that Rome was slow to call its own council at Trent to defend the ecclesiastical order received from the Middle Ages while attempting reform of the worst abuses affecting the church. Ultimately, Luther's positions on church authority before and during the Leipzig Debate were intertwined with the ongoing tension over the late medieval conciliar debates, and his view of pope and council interpreted through them. When one takes into account the context of fifteenth-century conciliarism and its resurgence in the early sixteenth century, it is hard to imagine events happening otherwise.

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78 Hendrix, *Luther and the Papacy*, 117–20; Bagchi, *Luther's Earliest Opponents*, 117–80; and O'Malley, *Trent*, 49–76, 248–75.

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CHAPTER 5

The Leipzig Disputation: Masters of the Sacred Page and the Authority of Scripture

Ian Christopher Levy

1 Luther as *Magister Sacrae Paginae*

Distinctly conscious of his position as a professional theologian, when Martin Luther sent his *Ninety-Five Theses* to Albrecht of Mainz in October 1517 he signed the accompanying letter: *Indignus Filius Martinus Luther, Aug. Doctor S. Theologiae vocatus*. Luther was certain that as a Doctor of Sacred Theology he was obligated to correct error and preserve true doctrine. His own Augustinian order, and thus the Church itself, had bestowed this office upon him for that very purpose.[1] Whatever turns Luther's thinking might take as the Reformation progressed, when in 1517–1519 he defended his right to dispute questions of theology and appealed to the unique authority of Holy Scripture in rendering determinations, Luther took his place within a solid magisterial tradition that stretched back to the founding of the universities in the early thirteenth century. Christendom, by Luther's time, had long recognized three estates: the *sacerdotium* and *regnum*, and also the *studium*. The university, a repository of sacred wisdom, assumed its place as an authority in Christian society alongside priesthood and kingship.[2]

The medieval university was a self-governing corporation of masters (*communio/societas magistrorum*), not unlike a guild, with the right to elect its officers, pass its own statutes, and possess property. Confident in their capacity to set the curriculum and supervise their own members, the masters bristled at outside interference.[3] The Oxford Chancellor Robert Rygge, for example,

1 Bernhard Lohse, "Luthers Selbsteinschätzung," in *Martin Luther: "Reformator und Vater im Glauben,"* ed. Peter Manns (Stuttgart: Franz Steiner Verlag, 1985), 118–32. See *WA Br* 1:112 (Nr. 48). Note that Luther specifically mentions having been 'called' (*vocatus*) to be a Doctor of Sacred Theology.

2 Herbert Grundmann, "Sacerdotium-Regnum-Studium: Zur Weitung der Wissenschaft im 13. Jahrhundert," *Archiv für Kulturgeschichte* 34 (1951–52): 5–21.

3 See Gaines Post, "Parisian Masters as a Corporation: 1200–1246," *Speculum* 9 (1934): 421–55; Alan Bernstein, "Magisterium and License: Corporate Autonomy against Papal Authority in the Medieval University of Paris," *Viator* 9 (1978): 291–307.

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steadfastly contended that neither bishop nor archbishop could exercise power over the university even in questions of heresy.[4] Offering students expert instruction in the arts, law, and theology, the university possessed the right to issue an official license to teach throughout Christendom (*licentia ubique docendi*), which would be formally conferred by the chancellor only after the candidate had fulfilled all the degree requirements to the satisfaction of the reigning masters. These requirements included lectures on Holy Scripture, and on Lombard's *Sentences*, as well as a set of disputations.[5]

To attain the level of master was to enter into the upper echelons of medieval society. Counted among the minor nobility, university masters enjoyed various rights and privileges befitting their status as universally recognized experts. Theologians especially had a keen sense of vocation and were confident in receiving the heavenly reward of the aureole for their service in defense of the Catholic faith.[6] That theologians were the authentic examiners of doctrine was formally grounded, according to the Paris master Jean Gerson, in the reception of their doctorate. Hence his appeal to the precise words spoken by the chancellor to the recipient: "I, by apostolic authority, grant you the license of reading, reigning, disputing, and teaching in the Sacred Theology faculty here and in every land in the name of the Father, the Son, and the Holy Spirit."[7]

4 *Fasciculi Zizaniorum Magistri Johannis Wyclif cum Tritico*, ed. W. W. Shirley, Rolls Series 5 (London: Longman, Brown, Green, Longman, and Roberts, 1858), 299.

5 Mariken Teeuwen, *The Vocabulary of Intellectual Life in the Middle Ages* (Turnhout: Brepols, 2003), 88–91.

6 Some excellent studies include: Ian P. Wei, "The Self-Image of the Masters of Theology at the University of Paris in the Late Thirteenth and Early Fourteenth Centuries," *Journal of Ecclesiastical History* 46 (1995): 398–441; Jacques Verger, "Teachers," in *A History of the University in Europe*, ed. Hilde de Ridder-Symoens, 4 vols. (Cambridge: Cambridge University Press, 1992), 1:144–68; Astrik Gabriel, "The Ideal Master of the Mediaeval University," *Catholic Historical Review* 60 (1974): 1–40; Gabriel le Bras, "Velut splendor firmamenti: le docteur dans le droit de l'èglise médiévale," in *Melanges offerts à Etienne Gilson* (Toronto: Pontifical Institute of Mediaeval Studies, 1959), 372–88; R. Guelluy, "La place des théologiens dans L'Église et la société médiévales," in *Miscellanea Historica in honorem Alberti de Meyer* (Louvain: Université catholique de Louvain, 1946), 571–89; Jean Leclercq, "L'Idéal du Théologien au Moyen Age," *Revue des Sciences Religieuses* 21 (1947): 121–48; and Jean Leclercq, "La théologie comme science d'apres la littérature quodlibétique," *Recherches de Theologie ancienne et medievale* 11 (1939): 351–74.

7 *De examinatione doctrinarum* in *Johannes Gerson Opera Omnia*, ed. Louis Ellies Du Pin, 5 vols. (Antwerp: 1706; reprint, Hildesheim: Olms, 1987), 1:10b. See also *Oeuvres Complètes de Jean Gerson*, ed. P. Glorieux, 10 vols. (Paris: Desclée, 1960–73), 9:462.

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2 Holy Scripture and the Authority of a Magister

Appealing directly to their authority both to preach and to teach throughout the whole earth (*auctoritas praedicandi aut docendi ubique terrarum*), Gerson's colleague Pierre d'Ailly declared that theologians have the right to represent the Church at a general council since it is they, rather than the canon lawyers, who possess the requisite wisdom in such matters.[8] D'Ailly argued moreover that the teaching office of the theologian amounted to something akin to an ordination which entitled the university theologian to take his place in the ecclesiastical hierarchy and conferred upon him the right to render determinations on questions of orthodoxy and heresy. In fact, no judicial decision in matters of faith could be considered authentic unless preceded by a scholastic definition rendered by theologians.[9] For while bishops in their succession from Peter wield the key of power (*clavis potestatis*), theologians are successors to the Apostle Paul and thereby hold the key of knowledge (*clavis scientiae*).[10] Furthermore, Paul's rebuke of Peter at Antioch, recorded in Galatians 2:11–14, was regarded as warrant for theologians to correct erring prelates.[11] Confident of his own apostolic lineage, therefore, Gerson found that this text authorized the theologian to resist a bishop to his face and inform him that he was not walking according to the truth of the Gospel.[12]

It was because the doctors of theology possessed a teaching authorization (*auctorizatio*) that they were frequently consulted by bishops who often handed down their own decisions after having consulted with the theologians (*de consilio magistrorum theologiae*).[13] Theologians thus laid claim to a *magisterium*, namely an intellectual authority which they exercised in the

8 Francis Oakley, *The Political Thought of Pierre d'Ailly: the Voluntarist Tradition* (New Haven: Yale University Press, 1964), 154.

9 Douglass Taber, "Pierre d'Ailly and the Teaching Authority of the Theologian," *Church History* 59 (1990): 163–74.

10 Louis Pascoe, *Church and Reform: Bishops, Theologians, and Canon Lawyers in the Thought of Pierre d'Ailly (1351–1420)* (Leiden: Brill, 2005), 137–64.

11 St. Augustine had convincingly made the case that Peter did in fact err and was justly corrected by Paul, *Expositio ad Galatas*; CSEL 84:15. See also Karlfried Froehlich, "Fallibility instead of Infallibility?: A Brief History of the Interpretation of Galatians 2:11–14," in *Teaching Authority and Infallibility in the Church: Lutherans and Catholics in Dialogue VI*, ed. Paul C. Empie, T. Austin Murphy, and Joseph A. Burgess (Minneapolis: 1980), 259–69; 351–57.

12 *De vita spirituali animae*, ed. Glorieux, 3:162.

13 Roger Gryson, "The Authority of the Teacher in the Ancient and Medieval Church," *Journal of Ecumenical Studies* 19 (1982): 176–87.

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examination of matters of faith.[14] They regarded themselves as protectors of orthodoxy and stood ready to render determinations when called upon by popes and kings alike in need of advice. So it was that in 1331 the French king Philip VI explained to Pope John XXII, whose views on the beatific vision the Paris theological faculty had rejected, that the doctors at Paris were more trustworthy in matters of faith than the second-rate scholars at the papal court. It was only natural, therefore, that in 1518 at Augsburg, Luther had declared himself willing to submit his works to the faculties of Basel, Freiburg, Louvain, and even to Paris, whose theological reputation he extolled.[15]

What was it that specifically undergirded the authority of the theologian? It was the text that he studied: Holy Scripture. It is no wonder that Luther identified himself not only as a "professor of sacred theology" (*sacrae theologiae professor*), but more precisely as a "sworn doctor of Holy Scripture" (*adeo iuratus sacrae scripturae doctor*).[16] As a theology professor, Luther was a licensed expert in Holy Scripture. The basis of Luther's magisterial authority was the text that he expounded; he was a master of the sacred page (*magister sacrae paginae*). The young Augustinian friar who had incepted at Wittenberg in 1512 thereby took his place within a continuum of biblical exegetes that stretched back some three-hundred years. By the beginning of the thirteenth century, masters of theology were designated "*magistri sacrae paginae*" or "*magistri sacrae scripturae*" for the very fact that Scripture was the text that they read. In the words of Heinrich Denifle, "The theologian of the Middle Ages lived by Holy Scripture; each *principium*, each book of the *Sentences*, each treatise, each argument began with a text from Holy Scripture." Hence Pierre d'Ailly could succinctly state in 1388: "*Ad doctores theologos pertinet sacram scripturam docere*."[17] Expounding upon Holy Scripture was the lifeblood of the late medieval theologian.

Here it would be helpful to survey briefly what these masters had to say about the principal text of their discipline. The sublimity of Holy Scripture, and thus its unimpeachable authority, was universally recognized and reflexively

14 Olga Weijers, *Terminologie des universités au XIII siècle* (Rome: Edizioni dell'Ateneo, 1987), 134–35.

15 However, it must be said that Luther later despaired of receiving a fair hearing from many of these same masters. Guy Fitch Lytle, "Universities as Religious Authorities in the Later Middle Ages and Reformation," in *Reform and Authority in the Medieval and Reformation Church*, ed. Guy Fitch Lytle (Washington, D. C.: Catholic University of America Press, 1981), 69–97.

16 *WA* 7:162 and *WA* 2:28.

17 Heinrich Denifle, "Quel livre servait de base à l'enseignement des maitres en théologie dans l'Université de Paris?" *Revue Thomiste* 2 (1894): 149–61.

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rehearsed. It was not only in their magisterial inception sermons (*principia*) that theologians extolled Scripture's unparalleled virtues. Whenever the science of theology was formally discussed, Scripture was sure to be lauded. The Franciscan St. Bonaventure of Bagnoreggio directly equated Holy Scripture with theology, identifying it as a science that provides the wayfarer with sufficient knowledge to attain salvation.[18] Bonaventure furthermore observed that God has provided Holy Scripture with an authoritative certitude such that it can never deceive nor be deceived. Handed down through divine revelation, rather than by human investigation, Scripture maintains a level of perfect authority.[19] For another Franciscan, Peter John Olivi, Scripture stands above all other laws, such that human cases and judgments must always submit to it.[20] Theology springs from "the font of Holy Scripture, and thereafter proceeds through the books of the saints which, like rivers, flow immediately from that principal source."[21] The thirteenth-century secular master Henry of Ghent spoke of Holy Scripture specifically in terms of Divine Wisdom: "For she is a radiance of eternal light, a spotless mirror of the working of God, and an image of his goodness" (Wis. 7:26). Henry went on to describe Scripture as untainted by any falsehood, certain and thus without doubt, and free from all error. As this divine radiance, Holy Scripture contains the eternal truths that have been transcribed by the rules of the eternal light. It is the truth of divine law and thus of eternal righteousness. Scripture is clear enough to refute all error. By its irrefragable truth, it stands in judgment of, and reigns over, every other doctrine and discipline.[22] And in the fourteenth century, Nicholas of Lyra, the Franciscan exegete whose skills Luther had commended, declared Scripture a sacred repository of divine wisdom. Holy Scripture is a unique book, says Nicholas, ordered toward happiness in the life to come, and therefore properly designated the Book of Life.[23] In the same vein as his Franciscan predecessor Bonaventure, Nicholas declared that Scripture is properly called theology, precisely because it is the sole text of this sacred science.[24] And in the fifteenth century Jean Gerson would affirm that Holy Scripture has been

18 *Breviloquium* 1.1 in *Opera Omnia*, 10 vols. (Quaracchi: Ex Typographia Collegii S. Bonaventurae, 1882–1902), 5:210.

19 *Breviloquium*, *prologus* 6, 5:207.

20 *De causis scripturae* 2.13, in *Peter of John Olivi on the Bible*, ed. David Flood and Gedeon Gál (St. Bonaventure, NY: Franciscan Institute, 1997), 47.

21 *De studio* 1.28, in *Peter of John Olivi on the Bible*, 27.

22 *Lectura ordinaria super sacram scripturam*, ed. R. Macken (Leiden: Brill, 1980), 6–8.

23 *Prologus … De commendatione sacra scripturae in generali*, *PL* 113:25c–d.

24 *De commendatione sacrae scripturae*, *PL* 113:25d–26d.

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divinely revealed by God, whose Word is found in all of its parts.[25] Scripture is the rule of faith, and, provided that it is rightly understood, there is no authority that can be admitted against it.[26] When examining matters of doctrine, said Gerson, we must attend principally to whether the proposed teaching is in conformity with Holy Scripture, which has been handed down to us as a sufficient and infallible rule for the governance of the whole church until the end of time. Scripture is such a perfect rule, or exemplar, that any doctrine which does not conform to it must be rejected as heretical or suspect.[27] As this brief sampling of magisterial pronouncements should make clear, Luther's later insistence upon Scripture's unique authority was thoroughly in keeping with his late medieval predecessors.

3 The Right to Dispute

As masters of a divinely authored text, which forms the wellspring of sacred doctrine, theologians believed that they had by extension a professional duty to engage in theological disputations. These periodic attempts to further explicate scriptural teaching belonged to the larger "*libertas inquirendi*" which the masters regarded as their inviolable prerogative. They must remain free to examine complex, even controversial, questions of doctrine and piety. In 1291 Henry of Ghent specifically took up the question whether the power of prelates could be disputed in the schools, concluding that theologians must be allowed to determine the legitimate use of power and the just limits of obedience. After all, he noted, no one is bound to obey a command that runs contrary to divine law. For prelates to stifle these inquiries, moreover, would leave the impression that their claims to power could not withstand rigorous scrutiny. They would thus resemble Mohammed, according to Henry, who prohibited discussion of his law for fear that falsehood might be exposed, whereas Christ permitted believers and unbelievers alike to engage in free discussion.[28] Along these lines some fifty years later William of Ockham was appalled that the pope might prohibit theologians from determining doubtful questions of faith prior to a

25 *Quae veritates sint de necessitate salutis credendae*, in *Opera Omnia* 1:22b. See also *Oeuvres Complètes* 6:182.

26 *De necessaria communione laicorum sub utraque specie*, in *Opera Omnia* 1:457b. See also *Oeuvres Complètes* 10:55.

27 *De examinatione doctrinarum*, in *Opera Omnia* 1:12d–13a. See also *Oeuvres Complètes* 9:465.

28 Elsa Marmursztejn, *L'Autorité des maitres: Scolastique, normes et société au XIII siècle* (Paris: Les Belles Lettres, 2018), 71–72. See Henry's Quodlibet 15, q. 15.

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formal papal decision. That would constitute an assault upon the fundamental rights and freedom of all Christians, said Ockham, as the pope takes possession of the Scriptures and establishes himself as a divine arbiter of all truth.[29] No one, Ockham insisted, should allow his own intellect to be taken captive, nor obey any papal statue that one knows to be contrary to Holy Scripture.[30]

It is in this vein, as Peter Classen pointed out, that Luther very early on had asserted his right as a master of theology to dispute (*disputare*) theological matters publicly according to the customs of the university. Not only could indulgences be the subject of disputation, therefore, but all manner of loftier subjects such as the power of God and divine forgiveness.[31] More recently, Anselm Schubert carefully demonstrated that what took place at Leipzig in 1519 between Luther and Eck was no mere discussion, but a full-fledged academic disputation conducted according to the rules of the medieval university.[32]

By virtue of his degree the medieval master of theology was entitled to expound upon issues that had not yet been declared articles of belief, and furthermore, was only required to revoke his position if proven contrary to the Catholic faith.[33] This is important to bear in mind given Luther's complaint to the Bishop of Brandenburg in February 1518 that his *Ninety-Five Theses* were being misunderstood. He had not asserted these propositions, he points out, but merely put them forward for disputation. Adopting the specific language of the universities, Luther declared that he was asserting nothing pertinaciously (*nulla vero pertinaciter assero*), and furthermore, submitted everything to the judgment of the Church. Precisely because it was pertinacity, i.e., contumacious adherence to a position demonstrated to be contrary to the Catholic faith, that rendered one a heretic, Luther could honestly declare in an August

29 *Tractatus contra Benedictum* 4.1; in *Guillelmi de Ockham Opera Politica*, vol. 3, ed. H. S. Offler (Manchester: Manchester University Press, 1956), 243–44.

30 *Tractatus contra Benedictum* 4.7; 256–57.

31 Peter Classen, "Zur Geschichte der 'akademischen Freiheit', vornehmlich im Mittelalter," *Historische Zeitschrift* 232 (1981): 529–53, esp. 546–47.

32 Anselm Schubert, "Libertas Disputandi: Luther und de Leipziger Disputation als akademisches Streitgespräch," *Zeitschrift für Theologie und Kirche* 105 (2008): 411–42.

33 G. H. M. Posthumus Meyjes, "Quasi Stellae Fulgebunt: On the Position and Function of the Doctor of Divinity in Mediaeval Church and Society," in *In Divers Manners: A St Mary's Miscellany to Commemorate the 450th Anniversary of the Founding of St Mary's College, 7th March, 1539*, ed. D. W. D. Shaw (St Andrews: St. Mary's College, 1990), 11–28. See also Yves Congar, "Bref Historique des Formes du 'Magistère' et de ses Relations avec les Docteurs," *Revue des Sciences Philosophiques et Theologiques* 60 (1976): 99–112.

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1518 letter to Georg Spalatin: "I will never be a heretic. I may err while arguing in a disputation, but I do not want to assert conclusions."[34]

We see that Luther drew a clear distinction between what he wishes to dispute as opposed to what he might assert. When handling the hot-button issues of their day medieval masters were careful to point out when they were pronouncing on some matter assertively (*assertive*), thereby signaling their commitment to a position; when raising questions expressly for the sake of illuminative inquiry (*disputative*); and when simply recounting the opinion of others (*recitative*). Nicholas of Lyra, in the prologue to his *Postilla Litteralis*, makes it clear that he has no intention of speaking assertively (*dicere assertive*) in this work of exegesis, except in matters that have already been determined through Holy Scripture and the authority of the Church. The rest of his comments are only intended to generate scholarly discussion (*scholastice et per modum exercitii dicta*). And as was customary Nicholas willingly subjected all his work to the correction of Holy Mother Church, standing ready to revoke anything that might cause offense.[35]

Luther had good reason to be concerned, however, since it was not unusual for masters to find themselves having to defend their remarks no matter the intentions behind their formulation.[36] When writing on the Eucharist early in his career, Ockham made it clear that he had no desire to contradict the teachings of the Church and her holy doctors.

> Whatever can be deduced in some manner against any saying in Holy Scripture or that of the saints, or is contrary to the determination and teaching of the Roman Church, or is opposed to the meaning of the doctors approved by the Church – this I would not say by way of asserting (*asserendo*), but precisely by way of reciting (*recitando*) in the person of those who hold the opinion that is to be discussed, whether that opinion be true or false, or Catholic or heretical, or erroneous.[37]

Ockham insisted, however, that it remains permissible to explicate authoritative sources. Furthermore, if one is permitted to explain the authoritative texts

34 Jared Wicks, "Reactions to Luther: The First Year (1518)," *Catholic Historical Review* 69 (1983): 521–62, esp. 530–33. See *WA Br* 1:139 (Nr. 58), and *WA Br* 1:190 (Nr. 87).

35 *Prologus Secundus: De intentione auctoris et modo procendi*, *PL* 113:30d–31a.

36 There is much literature on late medieval magisterial protocol; for one important study see J. M. M. H. Thijssen, *Censure and Heresy at the University of Paris: 1200–1400* (Philadelphia: University of Pennsylvania Press, 1998).

37 *Tractatus de Quantitate* in *Opera Theologica* 10, ed. C. Grassi (St Bonaventure, NY: St. Bonaventure University, 1986), 5–6.

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of those doctors who have been approved by the Church, then one is surely allowed not only to explain, but even to refute, statements of doctors whom the Church has never formally authorized.[38]

Masters were consistently pushing back against attempts to narrow the scope of discussion that would place still unsettled issues off-limits. Ockham's Franciscan predecessor Peter John Olivi stated: "I do not want to see those things which do not directly affect the articles of our faith treated or held as if they were themselves articles of faith."[39] Olivi furthermore refused to recognize the broad authority claimed by an assembled commission of fellow masters: "You should not demand such obedience from me or recommend that it be demanded, as if I should subject myself entirely to your opinions – however solemn and worthy of reverence they may be – as to the words of the Catholic faith or the Holy Scripture or to the determination of the Roman pontiff or a general council, unless it has been demonstrated that your opinion is that of the Catholic faith and Sacred Scripture."[40]

Conducting lectures, whether in universities or mendicant *studia* the masters were principally – as their title '*magister*' suggests – teachers. And they reckoned it essential to their role as teachers that they have the freedom to discuss texts that comprised the subject matter of their discipline. As the thirteenth-century secular theologian Godfrey of Fontaines wrote: "To chain and bind men immovably to one opinion in matters concerning which there may be a diversity of views … is to hinder the pursuit and knowledge of truth. For since conflict of opinion among learned men will stimulate debate and discussion … the truth will be discovered more readily if men are left free to seek out in discussion not what is more pleasing, but what agrees with right reason."[41] Along these lines, therefore, this Paris master vehemently objected to prelates unilaterally deciding what is orthodox and heretical. Even decisions handed down by popes are open to scrutiny, said Godfrey, and it is precisely for the theologian to inquire into them and determine their validity.[42] When dealing

38 *Tractatus de Quantitate* in *Opera Theologica* 10:61–62.

39 Texts quoted in David Burr, "Quantity and Eucharistic Presence," in *Collectanea Franciscana* 44 (1974): 5–44, esp. 16–19.

40 David Burr, "Olivi and the Limits of Intellectual Freedom," in *Contemporary Reflections on the Medieval Christian Tradition*, ed. G. H. Shriver (Durham, NC: Duke University Press, 1974), 185–99, at 191 and 194.

41 Mary M. McLaughlin, "Paris Masters of the Thirteenth and Fourteenth Centuries and Ideas of Intellectual Freedom," *Church History* 24 (1955): 195–211. Quote from Godfrey's Quodlibet 12.5, cited at 207.

42 Quodlibet 3, q. 10 in *Les Philosophes Belges*, 15 vols. (Louvain: Institut Supérieur de Philosophie de l'Université, 1904), 2:218.

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with questions pertinent to the faith the theologian, by virtue of his office, was obliged to speak the truth and would sin if he refused.[43]

4 The Ordering of Authorities

In the immediate aftermath of the Leipzig Disputation Philip Melanchthon addressed the question of patristic authority in the determination of doctrine. Although revering the fathers as "lights of the Church," Melanchthon put his finger on an ineluctable dilemma: invocation of the different patristic sources during the course of debate frequently leaves us with a set of irreconcilable interpretations of the biblical text. What is more, says Melanchthon, even the great doctors have managed to misuse the Scriptures, offering interpretations that, while not harmful, are nevertheless off the mark. Yet amidst this multiplicity of voices, "Scripture speaks with a single celestial spirit, pure and true in all things." So it is, according to Melanchthon, that the works of the fathers should be submitted to the judgment of Scripture. The variated readings of these patristic sources must ultimately yield, therefore, to what Melanchthon deemed "the straightforward meaning of Scripture" (*simplex scripturae sensus*).[44] Along these very lines, then, Volker Leppin points out that only a few months after Leipzig, Melanchthon had formulated the thesis that nothing could be necessary for salvation that was not found in Holy Scripture, thereby setting forth the hermeneutical principle of "*sola scriptura*."[45]

In itself, however, privileging Scripture over the Fathers cannot be counted as a "Reformation Discovery." We have seen above the way in which the late medieval theologians extolled Holy Scripture as a perfect revelation of the divine will. Thomas Aquinas maintained that the canonical Scriptures are the principal authoritative texts for the study of theology. Hence one argues from the canonical Scriptures of necessity (*ex necessitate*), whereas arguments based on the doctors of the Church, valuable as they are, carry only probable force (*probabiliter*). It was in this vein that Thomas invoked Augustine's remark that he honors only those books of the Scriptures which are called canonical, since none of their authors erred when writing them. No other authors,

43 Quodlibet 12, q. 6 in *Les Philosophes Belges*, 5:105.

44 Letter 48, *CR* 1:113–15.

45 Volker Leppin, "Papst, Konzil, und Kirchenväter: Die Autoritätenfrage in der Leipziger Disputation," in *Die Leipziger Disputation 1519*, ed. Markus Hein and Armin Kohnle (Leipzig: Evangelische Verlagsanstalt, 2011), 117–24.

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no matter how holy or learned, can attain such rank.[46] Indeed, according to Thomas, the fathers cannot reach the level of the apostles who had possessed a fuller knowledge of the mysteries of the faith owing to their proximity to Christ.[47]

The fourteenth-century Carmelite theologian Guido Terreni maintained that while the writings of the holy doctors should certainly be received with reverence, they are nevertheless not of such solid authority and inviolability that one may not doubt or contradict them. It is for this reason that heretics cannot positively be refuted by means of texts which remain outside of the biblical canon. Since where there is no infallible truth – which rests in Scripture alone – there can be no steadfast and certain faith.[48] For another Carmelite of the time, Gerard of Bologna, Augustine's oft-cited remark addressed to the Manichees, "I would not have believed the gospel unless the authority of the Catholic church had moved me,"[49] means simply that one believes the gospel by way of the Church's preaching. To be clear, said Gerard, Augustine came to believe in the authority of Christ himself, not in the authority of the Church. The Church has no authority over divine law, but rather presupposes that law precisely because it is immutable.[50] And in the fifteenth century yet another Carmelite, Thomas Netter, a dedicated opponent of Wycliffites and Hussites, specifically rebuked anyone who would misuse Augustine's dictum. Netter bristled at the arrogance of those who take it as an occasion to exalt the authority of patristic decrees over that of Holy Scripture.[51] Ecclesiastical authority, Netter insisted, must always serve Christ, and thus remains inferior to Christ's laws found in Scripture.[52] Netter was therefore content to affirm that the authority of the universal Church is subject to the authority of Scripture.[53]

Things may, however, have begun to take a turn later in the fifteenth century, perhaps on account of the intractable Hussite controversies that had been dragging on since the Council of Constance. For in a 1452 address to the Bohemians, Cardinal Nicholas of Cusa argued that the Catholic Church could

46 *Summa Theologiae* 1, q. 1, a. 8, ed. P. Caramello, 4 vols. (Rome: Marietti, 1950), 1:7–8. See Augustine, *Epist*. 82.1, *PL* 33:277.

47 *Summa Theologiae* 2.2, q. 1, a. 8.

48 *Summa de haeresibus et earum confutationibus* (*De haeresibus generatim*) (Paris: Iodocus Badius Ascensius, 1528), f. 7v.

49 *Contra epistolam Manichaei quam vocant Fundamenti* 5, *PL* 42:176–77.

50 Q. 5, a. 1 in *Summa Magistri Gerardi Bononiensis*, ed. Paul de Vooght in his *Les sources de la doctrine chrétienne* (Bruges: De Brouwer, 1954), 359–60.

51 *Doctrinale* II, 2.21, *Doctrinale Antiquitatum Fidei Catholicae Ecclesiae*, ed. B. Blanciotti, 3 vols. (Venice: Bassani, 1757–59; reprint, Farnborough: Gregg, 1967), 1:349a–b.

52 *Doctrinale* II, 2.21, 1:349c.

53 *Doctrinale* II, 2.21, 1:348c.

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not be bound to the letter (*ad literam*) of Holy Scripture, but must instead follow the spirit (*ad spiritum*) which Christ had left to the Church to interpret as she saw fit.[54] That might not be an astonishing remark in itself, but what Cusanus went on to say signaled a shift that pointed the way to a mindset Luther would encounter among his early opponents: "The Scriptures follow the Church which is prior to them and for the sake of which (*propter quam*) the Scriptures exist, and not the converse."[55] Cusanus may still have been an outlier in the middle of the fifteenth century, but consider that in 1518 the Dominican Sylvester Prierias felt comfortable in claiming that Holy Scripture draws its power and authority from the pope, as from an infallible authority; to say otherwise is heretical: *Quicunque non innititu doctrine Romane ecclesie, ac Romani pontificis, tanquam regulae fidei infallibili, a quae etiam sacra scriptura robur trahit et auctoritatem, hereticus est*.[56] No wonder that, in his meeting with Cajetan at Augsburg Luther complained that there are "some who claim that the pope cannot err (*non posse errare*), and they impudently place him above Scripture (*supra scripturam*)."[57] Jared Wicks may be right that Luther found himself having "to vindicate the rightful role of Scripture in the face of one-sided claims made by Prierias for the papal magisterium."[58] Martin Brecht similarly concluded that, while Luther's position that Scripture is the ultimate authority in the Church was not in itself revolutionary, it was cutting against some recent trends.[59]

Even if Prierias still occupied the far end of the spectrum, Luther reported that Cajetan had also wished to commend the power of the pope as superior to councils and even set above the Scriptures (*supra scripturas*). Luther, for his part, proclaimed his willingness to follow the Holy Roman Church in all of his statements and deeds, present, past and future. Nevertheless, he was not aware of having said anything that was contrary to Sacred Scripture (*contra sacram scripturam*), the fathers of the Church, papal decretals or right reason.[60] In the year before Leipzig therefore we do not find that Luther has rejected papal

54 *Letter to the Bohemians on Church Unity* (*Contra Bohemos*) in *Nicholas of Cusa: Writings on Church and Reform*, ed. and trans. Thomas Izbicki (Cambridge, Mass.: Harvard University Press, 2008), 412–15.

55 *Letter to the Bohemians on Church Unity*, 415.

56 Ekkehard Mühlenberg, "Scriptura non est autentica sine authoritate ecclesiae (Johannes Eck): Vorstellungen von der Entstehung des Kanons der Kontroverse um das reformatorische Schriftprinizip," *Zeitschrift für Theologie und Kirche* 97 (2000): 183–209.

57 *WA* 2:22.

58 Wicks, "Reactions to Luther," 529–30.

59 Martin Brecht, *Martin Luther: His Road to the Reformation 1483–1521*, trans. James Schaaf (Minneapolis: Fortress Press, 1985), 309–22.

60 *WA* 2:8–9.

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authority. In fact, he conceded that papal decretals may be heard as though the voice of Saint Peter, even as this only applies to those words that are consonant with Holy Scripture and do not dissent from the decrees of the fathers. Furthermore, as Luther points out, many earlier decretals have been emended by those that came later, which is to say that they must always remain open to the possibility of correction. As it is, therefore, Luther placed his confidence in the "most manifest testimonies of Divine Scripture (*divinae scripturae testimoniis apertissimis*) … which are to be preferred incomparably to the words of men … since the pope is not above, but below, the Word of God according to Galatians 1:8, 'Even if an angel from heaven should proclaim to you a gospel contrary….'"[61] The problem with Clement VI's 1343 bull *Unigenitus*, which addressed the efficacy of indulgences, is not its papal origin, therefore, but the fact that it mangles the Scriptures and misapplies its words (*Papa ibi torquere scripturas et abuti verbis eius*). Clearly, not all papal decrees can be counted on to possess the "genuinely authentic sense of Scripture" (*verum legitimum sensum scripturae*).[62]

By insisting that papal decretals were authoritative only to the extent that they are in conformity with Holy Scripture, Luther was maintaining a standard that canon law itself supported. Distinction Nine of Gratian's *Decretum* presents a series of passages drawn from Augustine that firmly established the authority of Holy Scripture to which nothing may be added as though necessary for salvation. The Scriptures take precedence over the writings of the fathers; no lies are to be found in the canonical Scriptures; Holy Scripture is to be preferred over the letters of the bishops; and commentaries on the Scriptures must not be given equal reverence with the Scriptures themselves.[63] With regard to papal authority specifically, the canon *Sunt quidam dicentes* (C. 25, q. 1, c. 6) stated that whereas the pope is ordinarily entitled to make new laws, in those instances where Christ, the apostles, or the holy fathers have already clearly defined something, the pope cannot pass any new law, but must defend these precedents. And, what is more, were the pope to attempt to undermine apostolic doctrine, his error would deprive his judgment of any force. For salvation consists in not deviating from the statutes of the fathers and preserving the rule of faith.[64] The authority conceded to Holy Scripture and apostolic teaching in this canon was regarded as so inviolable that the Ordinary Gloss on the

61 *WA* 2:10–11.

62 *WA* 2:19–22. On the Petrine authority of decretals see dist. 9, c. 2; *Corpus iuris canonici*, ed. E. Friedberg, 2 vols. (Leipzig: Bernhard Tauchnitz,1881; reprint, Graz: Akademische Druck- u. Verlagsanstalt, 1959), 1:60.

63 Dist. 9, c. 3–10; Friedberg 1:17–18.

64 Causa 25, q. 1, c. 6; Friedberg 1:1008.

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Decretum commented that if a pope were to issue a statute that contravened the Gospels, Apostles, or Prophets he would stand convicted as a heretic.[65]

5 Scripture and Authority at Leipzig

It is noteworthy that Johann Maier von Eck, the Ingolstadt professor of theology, declared at the outset of the Leipzig Disputation that he had no intention of saying or asserting anything that might be contrary either to Holy Scripture or Holy Mother Church.[66] For all of the attention paid to Luther's magisterial authority, we must not lose sight of the fact that Eck was himself a "*magister sacrae paginae*" (having received his doctorate from Freiburg in 1510).[67] When Luther and Eck convened at Leipzig in July 1519 the mendicant from Wittenberg and the secular theologian from Ingolstadt engaged in a formal academic disputation precisely as licensed biblical experts. It seems safe to say, moreover, that the central question underlying the various matters presented for disputation – papal primacy, purgatory and indulgences – was not whether Holy Scripture was essential to the formation of Catholic doctrine, but how one could determine an authoritative exposition of the text.

In what follows we will sketch the exegetical principles that Luther and Eck utilized throughout the disputation. These principles can first be examined within the context of the question of papal primacy. Luther had stated that Roman claims to superiority over all the other churches were an invention of papal decretals issued over the last four hundred years, which ran contrary to not only Holy Scripture, but also approved historical accounts and the decree of the Nicene Council.[68] According to Eck, however, the papal monarchy had been instituted by Christ and thus established by divine law (*de iure divino*). Not only does Eck believe that he has the historical records on his side, but also the texts of Holy Scripture. The Church militant, which is itself the body of Christ according to St Paul (cf. 1 Cor. 12:2; Eph. 4:16), was instituted and made in the likeness of the Church triumphant, a monarchy ordered to its single head. Appealing to Christ's own words, "The Son does nothing except what he sees his Father doing" (Jn. 5:19), Eck reasoned that Christ himself had wished to

65 *Decretum Gratiani … cum Glossis* (Paris: Soc. Bonae Navis, 1601), 1781.

66 *WA* 59:434.

67 For more on Eck's education and early career at Ingolstadt, see Erwin Iserloh, *Johannes Eck (1486–1543): Scholastiker, Humanist, Kontroverstheologe* (Münster: Aschendorff, 1981), 7–20.

68 See Proposition Thirteen, *WA* 2:161. See also *Resolutio Lutheriana super propositione sua decima tertia de potestate papae*, *WA* 2:183–240.

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constitute this heavenly order here on earth.[69] Eck also took the opportunity to remind Luther that it was actually a Wycliffite error to claim that evangelical law, i.e., Holy Scripture does not support Roman primacy. If the papacy had indeed been instituted by divine law, then Eck has no doubt that Scripture must form the foundation of this principle. What made Eck certain of the papacy's scriptural warrant was the wealth of patristic exegesis that could be marshaled to that effect. Hence his appeals to passages in Cyprian and Jerome which maintained that the chair of Peter, and thus the Roman pontiff, remained the rock upon which the Church is founded.[70]

Luther, for his part, also appealed to the divine authority of Scripture as he invoked numerous biblical passages that would prove Christ remains the sole head of the Church. These include, among others, Christ's promise to remain with the Church until the end of the age (Matt. 28:20); Christ's address to Saul the Pharisee, "Why do you persecute me?" (Acts 9:4), thus identifying the head with the body as Augustine had already pointed out (*De Trinitate*, 19.34). There was also Paul's rebuke of the Corinthians which clearly, according to Luther, prohibits any other head than Christ: "Who is Apollo? Who is Cephas? Who is Paul? Is Christ divided?" (1 Cor. 1:12–13). As for Eck's appeal to Scripture in the form of John 5:19, Luther had recourse to the patristic tradition himself, maintaining that the holy doctors all agree that Christ was not speaking of the Church militant and triumphant here, but rather of his own equality with the Father. Luther proceeded to dissect each of Eck's patristic witnesses, arguing that they never conceived of Rome maintaining juridical authority over all the other churches.[71] Here one recalls Melanchthon's observation that we have reached a patristic stalemate. Luther, as he noted, chose to follow Origen and Augustine while Eck relied upon Jerome and Cyprian. Each side was armed with authoritative interpretations of central scriptural passages with little hope of reconciliation.[72]

At all events, Eck reckoned superfluous Luther's attempt to prove that Christ is head of the Church, since no one denies that fact. The question, says Eck, is whether beyond Christ's headship there might be some head of the Church on earth. Eck took issue, moreover, with Luther's claim that the doctors did not read John 5:19 as testimony to the ecclesiastical hierarchy. Eck thus appealed to Bernard of Clairvaux, a holy father of the highest integrity (*beatum*

69 *WA* 59:435.

70 *WA* 59:436–37. Cf. proposition 41 of the Forty-Five Wycliffite Errors condemned at Constance; *Enchiridion Symbolorum*, 36th ed., ed. H. Denzinger and A. Schönmetzer (Rome: Herder, 1976), Nr.1191.

71 *WA* 59:437–39.

72 Letter 48, *CR* 1:113–15.

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et inadulabilem patrem Bernardum), who had drawn on this passage to show that the form of the Church had been established by divine law. Just as Christ is head of the Church in heaven, so the pope is head of the Church militant.[73] For Eck, this is the central issue: Rome's claim to primacy rests not upon mere human law (*iure humano*), but rather upon divine law (*iure divino*), which is to say upon Holy Scripture as interpreted by Bernard and other saints.[74] At one point the secular master Eck even needled this Augustinian friar that if papal primacy is really only a matter of human law, whence come Luther's innumerable mendicant privileges, his religious habit, and the power to hear confessions and preach, if not from the apostolic see?[75]

Eck's appeal to Bernard of Clairvaux's reading of John 5:19 prompted Luther to note that he also held Bernard in very high esteem and did not even condemn Bernard's interpretation (*Divum Bernardum veneror et eius sententiam non contemno*). Yet, says Luther, in contentious matters one must hold to "the natural and proper sense of Scripture" (*sensus genuinus et proprius scripturae*), from which the holy fathers innocently enough diverge sometimes for the sake of rhetorical enrichment (*locupletandae orationis*). According to Luther, a close reading of the immediate context – the preceding and following verses – makes it clear that Christ was speaking of his equality with the Father. Bernard, he says, had been appealing to a foreign sense of the text (*in aliena sensu scripturae*), which is to say that he was not sticking to its most natural meaning.[76] Here and elsewhere, Luther demonstrates his discomfort with extrapolating from what he takes to be the clear meaning of Scripture. As he sees it, Eck and the authorities that he cites, seem to be stretching texts beyond their breaking point in support of the doctrines they feel obligated to defend.

Eck, for his part, believes that Luther has misread the intention of the exegetes whom he criticizes. No one but an Arian, says Eck, would deny that Christ in John 5:19 affirms his equality with the Father; nor does Bernard interpret the passage otherwise (*neque alio sensu*). Eck takes umbrage, therefore, at Luther's claim that the holy fathers have introduced texts merely for the sake of engaging in extravagant speech. Indeed, it is impermissible according to Eck to cast suspicions of such ostentation upon them.[77] Thus what Luther discounted as superfluous rhetorical flourish, Eck regarded as a legitimate exegetical transition from the primary literal sense of the text to a deeper spiritual

73 *WA* 59:441. See *De consideratione* 3.4; *PL* 182:768–69.
74 *WA* 59:443.
75 *WA* 59:492.
76 *WA* 59:445.
77 *WA* 59:450.

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meaning, in this case one with important ecclesiological implications. Hence Eck's rejoinder that Bernard – whose authority and method is invincible – having preserved the true and natural sense of John 5:19, namely the equality of the Son with the Father, proceeded most fittingly in his further interpretation of the text.[78]

In the continuing struggle over texts related to the papal monarchy, Eck grappled with Christ's words to the apostles, "The kings of the gentiles lord it over them … but not so with you" (Lk. 22:25–26), which could be read as prohibition of Roman primacy. Yet here, according to Eck, Christ had simply been rebuking the apostles for their contentious ambition.[79] Luther countered that Eck's interpretation is actually begging the question since it presupposes that Peter had already obtained the chief place. In fact, says Luther, "the text is clear" (*clarus est textus*); it prohibits not only ambition but also rulership over the rest of the apostles.[80] True to form Eck was eager to demonstrate that this was not merely his own reading of the passage; again we find the appeal to an interpretive tradition: "Lest it seem that I speak without authority (*sine auctoritate*)," Eck relies here upon Richard FitzRalph's reading of the text. The fact that Christ said, "The one who is greater among you" (Lk. 22:27) indicates that the Lord presupposed that one of the apostles was indeed greater, even if he had not yet indicated that one would be Peter. Although this later becomes clear when Christ addressed Peter, "I have prayed for you that your faith would not fail; and you, once you have turned back, strengthen your brothers" (Lk. 22:32).[81]

Unmoved by this appeal to FitzRalph, whose 1344 *Summa in quaestionibus Armenorum* had only just been printed in 1512, Luther insisted that the "most clear text" must nevertheless prevail over some obscure author's interpretation (*praevalet clarissimus textus obscuro auctori*). Christ's admonition, "Whoever among you wishes to be greater …" sufficiently indicates that none of the apostles ought to suppose himself greater than the rest. Like a logical syllogism, the text itself provides the valid inference: *ex consequentia textus patet*. As for Christ's words, "I have prayed for you …", this only proves for Luther that Peter

78 *WA* 59:470.

79 *WA* 59:444.

80 *WA* 59:450. On the general question textual clarity, note Kenneth Hagen's comment that "Luther operated with a single or simple grammatical sense (the simplest sense)." See his essay, "Did Peter Err? The Text is the Best Judge: Luther on Gal. 2:11," in *Augustine, the Harvest, and Theology (1300–1650): Essays Dedicated to Heiko Augustinus Oberman in Honor of his Sixtieth Birthday*, ed. Kenneth Hagen (Leiden: Brill, 1990), 110–26.

81 *WA* 59:454–55. See FitzRalph's *Summa in questionibus Armenorum* 7.3 (Paris: Johannes Sudoris, 1512), f. 45v.

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had been commanded to strengthen the others, not rule over them.[82] A little later Luther finds that his position is made abundantly clear from the Epistle to the Galatians (*ut clarissime patet ex epistola ad Galatas*) wherein Paul had explained that his own authority had not come from Peter (Gal. 1:18, 2:1).[83]

Luther at one point marvels that such a renowned doctor as Eck has yet to produce "a single syllable of Scripture" which might prove that papal primacy is actually a matter of divine law. All he has done so far, according to Luther, is to accumulate sayings and deeds of the fathers which mostly contradict each other.[84] This observation is telling, for it points up the fundamental difference between the two disputants. Eck was certain that Holy Scripture, and thus the divine law, supported the papal monarchy. Yet it was to the fathers and councils, and even later theologians, that Eck turned to cinch the case from Scripture. Luther, who was not otherwise adverse to employing patristic testimony, nevertheless sought his answers to these questions within the clear sense of Scripture. Appealing to the long accepted principle that the fathers were themselves not above correction, therefore, he was willing to set aside their testimony with an insouciance that Eck could scarcely fathom.

It was at Leipzig that Luther had been pressed to acknowledge there were among the articles of Jan Hus and the Bohemians many that were plainly very Christian and in keeping with the gospel, which the universal Church could not condemn. Among those articles that Hus professed was his belief in "the one, holy, catholic, and apostolic Church, and the communion of saints." What is not necessary for salvation, according to Luther, is to believe that the Roman Church is superior to the other churches. Nor is it in the power of the Roman pontiff or any inquisitor of heretical depravity to create new articles of faith, although Luther did concede that Rome had the right to render judgment on the basis of the existing articles. As it is, therefore, no faithful Christian can be compelled to assent to anything beyond Sacred Scripture – which is properly divine law – unless some new and proven revelation were to emerge. In this instance Luther had on hand his own authorities as he appealed to Hus's nemesis Jean Gerson, who, as he correctly noted, frequently made this very case when establishing the superiority of divine law. Luther also invoked an old chestnut: Augustine's letter to Jerome recorded in Distinction Nine of Gratian's *Decretum* which maintains (as noted above) the unique perfection and trustworthiness of the canonical scriptures, by which all other teachings must be tested. Luther noted furthermore that even the canonists (*iuristae*) maintain

82 *WA* 59:457.
83 *WA* 59:462.
84 *WA* 59:463.

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that the interpretation of a single private man should prevail over a pope and council, if it rests upon better authority or reason.[85]

The jurist Luther specifically had mind was Nicholas ("Panormitanus") de Tudeschis (1386–1445), who in his Decretals commentary had stated: "*Nam in concernentibus fidem, etiam dictum unius privati esset praeferendum dicto papae, si ille moveretur melioribus rationibus novi et veteris testamentis quam papa*." This provocative statement should, however, be viewed within the context of fifteenth-century debates over papal and conciliar authority, and indeed the fraught question of conciliar infallibility. For Panormitanus had also stipulated that while the council can condemn the pope in matters of heresy (in keeping with dist. 40, c. 6), if the pope were supported by better reasons and authorities than the council, his judgments would stand, since a council too can err: *Hinc est quod concilium potest condemnare papam de haeresi … puto tamen quod si papa moveretur melioribus rationibus et authoritatibus quam concilium, quod standum esset sententiae suae, nam et concilium potest errare*.[86] Thus as Hermann Schuessler observed, although Panormitanus recognized both papal and conciliar authority in their proper spheres, he did not regard either as infallible.[87] Nevertheless, Luther's point is made: even the canonists admit that pope and council must ultimately bow to the perfect standard of Holy Scripture.

Although Eck did believe that councils were preserved from error,[88] he nevertheless made it clear that he was not setting councils and Scripture at odds with one another. The infallible and indubitable truth, according to Eck, was to be found in both councils and Scripture inasmuch as they are both products of the Holy Spirit. Eck furthermore defended the authority of general councils against Luther's charge that as gatherings of men they were able to sin, instead maintaining that whatever the councils have determined and defined in matters of faith is absolutely certain (*certissimum*). Thus even as Eck conceded that councils are composed of fallible human beings, we must still believe that

85 *WA* 59:466–67. Luther does not specify which Gerson text (*in multis locis*), but see (as cited earlier): *De vita spirituali animae*, ed. Glorieux, 3:129 and 3:162. Augustine's Letter 82.1.3 is quoted in dist. 9, c. 5; Friedberg 1:17.

86 x. 1.6.4, *Significasti*; Friedberg 2:149. The comments of Panormitanus are transcribed by Knut Wolfgang Nörr, *Kirche und Konzil bei Nicolaus de Tudeschis* (*Panormitanus*) (Köln Graz: Böhlau Verlag, 1964), 104–06.

87 Hermann Schuessler, "Sacred Doctrine and the Authority of Scripture," in *Reform and Authority*, 55–68; Schuessler, "The Canonist 'Panormitanus' and the Problem of Scriptural Authority," *Concordia Theological Monthly* 38 (1967): 234–41.

88 *WA* 59:473.

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those which have been legitimately assembled are guided not by human reason, but by the Holy Spirit.[89]

Later, when discussing the authority of the Council of Florence with respect to the doctrine of purgatory, Luther had said that, "the council cannot make something exist from Scripture that is not of Scripture by its nature, just as the Church could not create the Gospels even though it approved the Gospels."[90] This statement in itself should not meet with any objection. For as we have just noted, Eck had no intention of placing the Council above Scripture. He readily conceded that the Council cannot create out of whole cloth what does not exist in Scripture. Notwithstanding that, Eck believes that these supremely learned men at the Council were directed by the Holy Spirit and thus able to comprehend the true meaning of the Scriptures and to discern what truths are to be found therein. Eck points out, moreover, that not all Catholic truths are expressly stated in Holy Scripture, which is not to say that they are not present in Scripture: the "*homoousios*" doctrine defined at Nicaea serving as a prime example. And to Luther's second point, Eck argues that even as the Church did not create the Gospels, she nevertheless exercised her judgment in discerning precisely which four Gospels would be received, and then how they should be understood.[91] Note that a few years later in his 1525 *Enchiridion* Eck would state: "*Scriptura non est autentica sine authoritate ecclesiae.*"[92] Yet here at Leipzig he seems careful not to say anything that would undercut Scripture's inherent authority.

If Eck looks first to fathers and councils, Luther attempts to exegete scriptural passages by means of other passages. This technique is hardly new, and Eck too employed it. But Luther may have been taking it even further as he grew increasingly frustrated with countless appeals to patristic authority. Thus with reference to that central papal text in which Christ commands Peter, "Feed my sheep" (John 21:17), Luther finds an exhortation to gently care for the sheep. This, says Luther, is the "evangelical meaning" (*sensum credo esse evangelicum*). He instructs Eck that to properly grasp the meaning of the word "feed" one must look to the totality of Scripture and the context of the various events it records (*ex tota scripturae et circumstantia rerum gestarum*). In fact, he proceeded to chastise Eck for cutting up Scripture into different pieces, thereby losing the larger sense of the passage when he should be putting them together

89 *WA* 59:490–91.

90 *WA* 59:535. See Council of Florence, *De novissimis*, in *Enchiridion Symbolorum*, Nr. 1304.

91 *WA* 59:541–42.

92 Mühlenberg, "Scriptura non est autentica," 184–209.

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(*scripturam dirumpere in diversas partes sed magis concinnare*).[93] Luther will later make a similar point that one cannot really make sense of Scripture if one extracts different statements from different places with no regard for their original context. Indeed, he says, this sort of haphazard proof-texting is the most common cause of error when exegeting the Sacred Scriptures. Thus it is necessary for the theologian, if he is not to err, to place the entire Scripture before his eyes so that he can compare the contrasting passages in an effort to find some consensus amidst the diversity.[94]

One of the chief ways that Luther employed this inter-textual method here in the disputation was to draw on the Epistles of Paul in an effort to dampen the effect of key Petrine passages. The Epistle to the Galatians provided Luther with the bulk of his ammunition. Luther took a page out of an old playbook when he observed that, even after the sending of the Holy Spirit, Peter had fallen into a most grave scandal of faith such that he needed to be rebuked by Paul in whom the true faith and confession remained intact (Gal. 2:11–14).[95] Luther had not only Paul's firsthand account of the Antioch incident at his disposal; there was the estimation of his own place among fellow apostles, as Paul had evidently discounted the magnitude of the so-called pillars (Gal. 2:6). For Luther, this first-century apostolic testimony demonstrated that the primacy of any single bishop had never been supported by divine law. Indeed, says Luther, Eck ought to retract such claims for the papacy inasmuch as they clearly run contrary to the Apostle.[96]

Eck took Luther to task, however, for making it appear that Paul had been writing in opposition to Peter's authority within the Church when assuring the Galatians that he was equal to the rest of the apostles, on the grounds that he had not received his apostleship from men (Gal. 1:1, 1:12). For if Luther were so diligent a searcher after truth as promised, says Eck, he might have learned the true foundations and understanding of the Scriptures. Then he would have realized that Scripture and the fathers agree that with respect to the apostolate itself Paul was indeed Peter's equal, having been called directly by Christ. Yet with regard to power of governance and administration there is consensus regarding Petrine primacy to be found among the statements of the holy fathers and the sacred councils. According to Eck, therefore, Luther's invocation of these texts is not merely beside the point, but is actually misleading. Now it is Eck who chides Luther for exegetical malpractice. One must not, Eck insists,

93 *WA* 59:497–98.
94 *WA* 59:575.
95 *WA* 59:477.
96 *WA* 59:481.

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misuse the testimonies of Sacred Scripture and force them to conform to one's own will against the meaning that the Holy Spirit demands (*... trahit pro suo arbitrio, contra quam spiritus sanctus efflagitat*). This by the way, as Luther would have known, is the very definition of heresy coined by Jerome in his own Galatians commentary and retained in Gratian's *Decretum*. Thus Eck, no less than Luther, is concerned with seeking out the Spirit's intended sense, which he believes – and this is the key point – has been secured by the common consent of the fathers and councils.[97] As Luther had earlier remarked that the rhetorical flourishes of the fathers occasionally depart from the straightforward sense of the text, so Eck now marvels at Luther's willingness to so colorfully deck out the words of Christ (*colore pavonico ornet verba Christi*) recorded in Matthew 16:16–19. Yes, Eck concedes, Peter did indeed speak for the rest of the apostles when he confessed Jesus to be the Christ; no one would deny that. But from this foundation Luther leaps to the false conclusion that Christ's subsequent promise was thus addressed to them all rather than Peter alone – a reading of the text that Eck finds runs contrary to the holy fathers (*sanctis patribus adversetur*).[98]

And so too when it comes to Luther's position that John 21:17 does not signify universal primacy. Eck admonishes him to accept the interpretation of "feed" (*pasce*) which has been handed down by the fathers and Holy Mother Church. One must seek the true sense of the text within the consonance of the exegetical tradition, Eck warns, whereas uniqueness is the mother of errors (*non singularitati studens quae est mater errorum*).[99] In this vein Eck contends that Luther is actually making the mistake that Arius had made during the fourth-century christological debates when he grasped the letter of the text so tightly (*literae tenax*) that he determined the Son must be a creature in light of Christ's words: "The Father is greater than me" (John 14:28). Hence one should be prepared to distinguish in such theological matters (*in theologia distinguere*) as Athanasius did when he maintained that these words applied to Christ only in his human nature rather than his divinity. Yet because Holy Scripture itself did not present such a neat distinction Arius refused to accept it and stubbornly clung to his error. So it is now, says Eck, that we should be prepared to distinguish when dealing with diverse passages lest we admit contradictions among the Sacred Scriptures. Only then can we avoid being killed by the grip of the letter, and thus made alive by the spirit of the text (cf. 2 Cor. 3:6). In the case of Peter, therefore, although we find in Scripture that he is very often preferred

97 *WA* 59:503. Causa 24, q. 3, c. 27; Friedberg 1:997–98. Cf. Jerome, *Comm. in Epist. ad Galatas*; *PL* 26:417a.

98 *WA* 59:504.

99 *WA* 59:506.

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among the rest of the apostles, while at other times counted as their equal, we must draw a distinction. There can at once be an equality of apostolate and still a unique primacy granted to Peter.[100]

Shifting to the matter of purgatory, we find that it covered not only the persistent questions of textual clarity and patristic interpretation, but also the matter of the biblical canon itself. Luther had stated that there is nothing in the whole of Scripture that speaks directly to the question of purgatory, even as Scripture does have much to say about heaven and hell. Eck reckoned such a position, promoted by Greeks and Pikarts alike, contrary to true Christian faith. We should be clear, however, that Luther was not denying the existence of purgatory, nor was he denying that it had some scriptural warrant. In fact, he believes that Gregory made a good case that Christ's words, "[blasphemy against the Holy Spirit] will not be forgiven either in this age or in the age to come," (Matt. 12:31–32) do refer to purgatory. But Luther contends that Scripture offers nothing so solid that it might stand the test of theological debate. Even as Luther is willing to admit the passage from the Book of Maccabees, "Thus he made atonement for the dead that they might be absolved from their sin" (2 Macc. 12:46), he nevertheless believes that appeals to this book cannot ultimately be effective, for the very fact that Maccabees is not part of the canon.[101]

The canonical status of Maccabees had not yet been determined in 1519; one had to wait until April 1546 for the Council of Trent to present a formal list of canonical books. Here Luther had appealed to the authority of Jerome who, in his prologue to the Books of Kings (the so-called *Prologus Galeatus*), had denied canonical status to 1 and 2 Maccabees, along with Wisdom of Solomon, Sirach, Judith, and Tobit. They could be read for edification, Jerome said, but are not so authoritative that they can form the basis of Christian doctrine. He was followed in this regard by no less a biblical authority than Nicholas of Lyra.[102] Hence Luther's point that even as he may be personally convinced by this text from Maccabees, the question of purgatory still remains open for discussion. In this vein one recalls that when Thomas Aquinas had appealed to Ecclesiasticus (Sirach) in the course of an argument, he acknowledged that such proof would not be accepted by those colleagues who rejected this book's canonical status.[103] Eck too was on solid ground, however, insisting that although Maccabees had

100 *WA* 59:516.

101 *WA* 59:526–28. See Gregory, *Dialogus* 4.39; *PL* 77:396.

102 Lyra's *Postilla Litteralis* is printed in the *Biblia Sacra cum Glossa Ordinaria*, 6 vols. (Venice, 1603), 6:1446. For Jerome's prologue to Kings see *Biblia Sacra iuxta Vulgatum Versionem*, ed. Robert Weber (Stuttgart: Württembergische Bibelanstalt, 1969), 364–66.

103 *Summa Theologiae* 1, q. 89, a. 8. See P. Synave, "Le Canon scripturaire de Saint Thomas d'Aquin," *Revue Biblique* 33 (1924): 522–33; Ceslas Spicq, "Le Canon des Livres saints au XIII siècle," *Revue des Sciences Philosophiques et Théologiques* 30 (1942): 424–31.

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not been included in the Jewish canon, it had nevertheless been received by the Church, evinced by the list of canonical books inserted by Ivo of Chartres into his law collection, the *Decretum*. This list, the *Decretum Gelasianum* (c. 495), did include the very books that Jerome had omitted.[104]

At all events, even as Eck continued to insist upon the authority of Maccabees precisely as Holy Scripture, he went on to amass a host of patristic texts in support of purgatory. In the face of Eck's citations from authority, Luther wished to mark an important distinction between "opinions" and "certain articles of faith." As we have seen, such a distinction lay at the heart of the master's licensed right to dispute. Luther pointed out that doctors such as Thomas and Bonaventure offered only opinions on purgatory and were not making assertions as though pronouncing on settled articles of faith. Opinions are to be discussed in the schools, says Luther, whereas the words and works of God are to be preached to the people. In tones reminiscent of Olivi and Ockham, Luther insists that he is not condemning the opinions of the best fathers, but he will take his stand against those who conflate mere human opinions with articles of faith. Making such an illicit move, according to Luther, is not the way a good theologian conducts himself (*quod non est boni theologi officium*).[105]

Appeals to more recent schoolmen aside, and granting his commitment to the authority of Scripture, Eck time and again evinces a steadfast reliance upon the church fathers and councils as (virtually) infallible guides to the text. This is evident when it came to explicating another important text, this time from the Apostle Paul, "… It will be revealed with fire, and the fire will test the quality of each one's work.… He himself will be saved, yet so as through fire" (1 Cor. 3:12–15). Eck not only reckoned this an utterly clear text (*apertissimus textus*) in support of purgatory, but he adduced Augustine, Ambrose, Jerome, Gregory and Bernard all to that effect. Also of note here and elsewhere is Eck's invocation of the *Glossa Ordinaria*, a repository of patristic commentary, and an indispensable resource for medieval biblical exegetes. The Gloss was itself an authority for Eck (*item testatur Glossa …*), the appeal to which was designed to lend weight to the interpretation of any scriptural passage. Eck does not invoke all of these authorities as a substitute for scriptural evidence; rather, their testimony provides unimpeachable evidence that Scripture does in fact support the doctrine of purgatory.[106]

104 *WA* 59:528–29. Ivo of Chartres, *Decretum* 4.61; *PL* 161:276. See also D. J. Chapman, "On the Decretum Gelasianum: De Libris Recipiendis et non Recipiendis," *Revue Benedictine* 30 (1913): 187–207; 315–33; Gilbert Dahan, *L'Exégèse chrétienne de le Bible en Occident médiéval XII–XIV siècle* (Paris: Cerf, 1999), 57–61.

105 *WA* 59:534–35.

106 *WA* 59:531.

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As it turns out, Luther did not think that this text from 1 Corinthians was very clear at all. In fact, Luther admits that he is not quite sure what Paul really meant. The Apostle does indeed speak most clearly when he says that each person's work will be tested by fire, yet it seems to Luther that he is referring to the final judgment. Hence Luther stands by his position that Scripture – whether it be 1 Corinthians or 2 Maccabees – offers no unambiguous testimony regarding purgatory, nothing that could form the foundation of a doctrinal claim that would hold up in theological debate.[107]

That Luther was willing to entertain doubts in the face of so many authoritative witnesses stunned Eck. Luther, he believed, was showing contempt for esteemed fathers and councils in favor of his own unprecedented interpretation (*novam glossam*) which will remain unacceptable unless proven by the authority of Sacred Scripture (*nisi probet sacrae scripturae auctoritate*).[108] Eck is certain that he has Scripture on his side, and that the texts he has presented are crystal clear (*apertissima*). It is Luther whose readings are lacking in the foundational authority of Sacred Scripture (*nulla sacrae scripturae auctoritate fundatum*).[109] For Eck, however, such scriptural proof is necessarily wrapped in a patristic mantle. Hence he will speak of doctrines being "clear from the tradition of Sacred Scripture and the custom of the holy fathers."[110]

6 Conclusion

In the final stages of the disputation, when countering Luther's charge that he does not treat worthily the meaning of the Sacred Scriptures, Eck defended his position as being in agreement with the larger interpretive tradition: "All the interpreters of the Holy Scriptures have settled on this understanding."[111] And so when Luther had so succinctly declared that "with all due reverence to the fathers, I prefer the authority of Scripture," Eck offered a biting rejoinder: "He prefers the authority of Holy Scripture to the fathers as though he alone, like some sort of oracle of Apollo, possesses an understanding of the Scriptures that surpasses the holy fathers."[112]

Had Luther jettisoned the entire patristic exegetical tradition to take his own counsel? No, that would be saying too much. We have seen that Luther not

107 *WA* 59:536.
108 *WA* 59:543.
109 *WA* 59:533.
110 *WA* 59:590.
111 *WA* 59:592.
112 *WA* 59:602–03.

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only spoke highly of the fathers, he also employed their expositions in support of his own position. Indeed, Melanchthon had already remarked upon that, although he believed it only exposed the difficulties inherent to patristic citation. Scott Hendrix was therefore right to note that even as Luther was moving further away from Eck, he was not at Leipzig staking out an "exclusive Scripture principle."[113] There surely was a chasm opening between Luther and Eck, however, in terms of the weight that could automatically be accorded to patristic witnesses. We might concur with Ernst Kähler that Luther had "distanced himself from the ecclesiastical positivism of Eck," and moreover, ultimately threw into question the obligatory force of the tradition itself.[114]

Was Luther therefore doing something new, which constituted a break with traditional exegetical principles exemplified by the late medieval university masters? This question yields no simple answers. By insisting that all papal decretals and conciliar determinations be in keeping with Holy Scripture, thereby rendering Scripture the ultimate standard of Catholic doctrine, Luther was in full accord with the magisterial tradition that we outlined earlier. Although, as we have also seen, Eck had no intention of subordinating Scripture to papal or conciliar authority, as though it were of secondary importance. The Leipzig Disputation, therefore, cannot accurately be characterized as a contest that pitted Holy Scripture against Holy Mother Church. Notwithstanding that, there was a distinct difference in exegetical method between the two men. If Eck departed to some degree from the late medieval exegetical consensus it was not that he lowered the value of Scripture, but that he seems to have raised the value of the other authoritative sources, such that they acquired an outsized force in determining the true meaning of the biblical text. In Luther's case we see the reverse trend: promoting scriptural authority to the diminishment of other authorities. It is true that Luther made his peace with papal, conciliar, and patristic sources where he could (or where it suited him), but he nonetheless felt little compunction in setting them aside. And this brings us to perhaps the most remarkable feature of Luther's exegesis displayed at Leipzig: his consistent invocation of textual clarity (*textus est clarus*). Where late medieval masters often scrambled to amass sources in support of their reading of the biblical text – even as that text still reigned supreme – for Luther the text of

113 Scott Hendrix, *Luther and the Papacy: Stages in a Reformation Conflict* (Philadelphia: Fortress Press, 1981), 85–94, at 88.

114 Ernst Kähler, "Beobachtungen zum Problem von Schrift und Tradition in der Leipziger Disputation von 1519," in *Hören und Handeln: Festschrift für Ernst Wolf zum 60. Geburstag*, ed. Helmut Gollwitzer and Hellmut Traub (Munich; Chr. Kaiser Verlag, 1962), 214–29, at 228.

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Scripture was its own interpretative authority. Luther's confidence in his own ability to get at the clear sense of the biblical text indicates a new way forward: *Praefero ego auctoritatem scripturae.*

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CHAPTER 6

Frigidissima Decreta: Canon Law, Ecclesiology, and Luther's Proposition 13

Richard J. Serina, Jr.

1 Introduction

In the early months of 1519, Martin Luther began preparing for the Leipzig Debate to be held later that summer. Part of his preparation included an intensive study of canon law. His correspondence during that period details his study of various canonical collections, his first concession that the pope might be the Antichrist, and his growing awareness that the notion of Roman primacy by divine right had its roots in medieval canon law. He would make that last point as explicit as he could in his infamous Proposition 13 for debate at Leipzig: "The most trivial (*frigidissimis*) decrees of the Roman pontiffs which have appeared the last four hundred years prove that the Roman Church is superior to all others. Against them stand the history of eleven hundred years, the text of divine Scripture, and the decree of the Council of Nicaea, the most sacred of all councils."[1] Well before Luther definitively rejected primacy *de iure divino* – along with the infallibility of pope, council, tradition, or any other determinative authority outside of Scripture – at Leipzig, he had already come to the conclusion that papal primacy was a fiction built upon the edifice of ecclesiastical jurisprudence in a way that contradicted Scripture, history, and reason.

At this stage in Luther's ecclesiologial development, a clear relationship emerges between Roman primacy and the canon law that supports it: his rejection of primacy cannot be separated from his rejection of canon law's authoritative status as a source for the theologian. Scholarship has not generally made this important connection between canon law and ecclesiology in the early Luther. Beginning with Rudolf Sohm, studies of law in Luther have

1 "Romanam Ecclesiam esse omnibus aliis superiorem, probatur ex frigidissimis Romanorum Pontificum decretes intra CCCC annos natis, contra quae sunt historiae approbatae MC annorum, textus scripturae divinae et decretum Niceni Concilii omnium sacratissimi." *WA* 2:161,35–38; *LW* 31:318. All citations from the Latin or German originals are found in *WA*. Where available, English translations are also taken from *LW*; all other translations are original.

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maintained that the theologian had no place for anything like a *Kirchenrecht* or *Kanonisches Recht* in his view of theology or church, and thus they were of no consequence for his rejection of primacy.[2] Similarly, discussions of Luther's early ecclesiology since Karl Holl have tended to revolve around a limited set of motifs, such as the Scripture principle, the doctrine of justification, the papacy, and conciliarism, but seldom canon law.[3] Others, however, have noticed this relationship between Luther's interpretation of canon law and his early ecclesiological development, culminating in the debate with Eck at Leipzig. Scott Hendrix has argued that the reformer studied canon law intently in preparation for Leipzig, and that what he found in canon law led in some measure to his rejection of Roman primacy by divine right, as well as his claim that the pope was Antichrist.[4] Christopher Voigt-Goy has likewise published several pieces on Luther's view of canon law and inferred its deeper ecclesiological implications.[5]

2 This discussion extends back at least to Sohm's broadside against ecclesiastical law in Rudolf Sohm, *Kirchenrecht* (Leipzig: Verlag von Duncker & Humblot, 1892); see 460–65 for Luther and canon law. For subsequent commentary, see Johannes Heckel, *Lex Charitatis: A Juristic Disquisition on Law in the Theology of Martin Luther*, trans. and ed. Gottfried G. Krodel (Grand Rapids, MI: Wm. B. Eerdmans Co., 2010; original, 1953); Sieghard Mühlmann, *Luther und das Corpus Iuris Canonici bis zum Jahre 1530* (Diss., Leipzig, 1972); Wilhelm Maurer, *Die Kirche und ihr Recht: Gesammelte Aufsätze zum evangelischen Kirchenrecht* (Tübingen: J.C.B. Mohr, 1976), esp. 145–207; John R. Witte, *Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge: Cambridge University Press, 2002); and Martin Heckel, *Martin Luthers Reformation und das Recht* (Tübingen: Mohr Siebeck, 2016).

3 For examples from a variety of starting points, see Karl Holl, "Die Entstehung von Luthers Kirchenbegriff," in *Gesammelte Aufsätze zur Kirchengeschichte*, 2 vols. (Tübingen: Mohr, 1921), 1:245–78; Ernst Bizer, *Luther und der Papst* (Munich: Chr. Kaiser Verlag, 1958); Lewis W. Spitz, "Luther's Ecclesiology and His Concept of the Prince as Notbischof," *Church History* 22 (1953): 113–41; Wilhelm Pauck, *The Heritage of the Reformation* (Glencoe, IL: Free Press of Glencoe, 1961), esp. 29–60; Christa Tecklenburg Johns, *Luthers Konzilidee in ihrer historischen Bedingtheit und ihrem reformatorischen Neuansatz* (Berlin: Verlag Alfred Töpelmann, 1966); Remigius Bäumer, *Martin Luther und der Papst* (Munster: Aschendorff, 1970); and Scott Hendrix, *Ecclesia in Via: Ecclesiological Developments in the Medieval Psalms Exegesis and the Dictata Super Psalterium (1513–1515) of Martin Luther* (Leiden: E.J. Brill, 1974).

4 Scott Hendrix, *Luther on the Papacy: Stages in a Reformation Conflict* (Philadelphia: Fortress Press, 1981), 78–85.

5 Christopher Voigt-Goy, "'Dictum unius privati': Zu Luthers Verwendung des Kommentars der Dekretale *Significasti* von Nicolaus de Tudeschis," in *Orientierung für das Leben: kirchliche Bildung und Politik in Spätmittelalter, Reformation und Neuzeit*, ed. Patrik Mähling (Münster: LIT Verlag, 2010), 93–114; Voigt-Goy, "Luther und das Kanonische Recht in den 'Resolutiones disputationum de indulgentiarum virtute (1518)'," in *Reformatorische Theologie und Autoritäten: Studien zur Genese des Schriftprinzips beim jungen Luther*, ed. Volker Leppin (Tübingen: Mohr Siebeck, 2015), 87–95; and Voigt-Goy, *Potestates und ministerium publicum:*

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But these connections should be obvious if only because Luther said as much in Proposition 13. The question that must be asked is how Luther's view and interpretation of canon law may have influenced his ecclesiological development during the consequential early days of the indulgence controversy and led to his pivotal conclusions regarding ecclesiastical authority at Leipzig. This essay will frame that question against the backdrop of late medieval canon law and theology. It will assess Luther's use of canon law prior to Leipzig, his interpretation of canon law in defense of Proposition 13 on the eve of the Leipzig Debate (in particular his reference to the ancient pentarchy of episcopal sees), and finally the implications this approach to canon law had for his arguments against Roman primacy.

2 Theologians and Canonists in the Late Middle Ages

We know relatively little about Martin Luther's exposure to canon law. His father, Hans, had given him a copy of the *Corpus Iuris* upon graduation from Erfurt as a Master of Arts in 1505. Luther enrolled in the faculty of law for a short time prior to his decision to abandon law in favor of theology. He believed jurists in Erfurt had succumbed to the plague in part because of their occupations.[6] He resumed the study of canon law only in the wake of his ecclesiastical trial beginning in 1518. He later came to denounce it as the very source of Roman primacy and the excessive temporal authority of the papacy. Finally, in December 1520 he participated in the burning of *Exsurge Domine*, the bull threatening excommunication, and urged the burning of the books of canon law along with it. But apart from these sparse details, nothing concrete can be determined about his actual study and knowledge of canon law during the formative years of his theological education. While some familiarity with the canons may be assumed through his instruction in theology at Erfurt, it remains unknown what texts of canon law he had in front of him, what familiarity he had with the commentary tradition, such as the *Glossa Ordinaria*, and how he had learned to read and interpret them.[7]

If the late medieval relationship between theology and law is any indication, it should come as no surprise to think Luther saw himself at odds with the

Eine Studie zur Amtstheologie im Mittelalter und bei Martin Luther (Tübingen: Mohr Siebeck, 2014).

6 Martin Brecht, *Martin Luther: His Road to the Reformation, 1483–1521*, trans. James L. Schaaf (Minneapolis: Fortress Press, 1985), 44–46.

7 Voigt-Goy claims there is no evidence which text of the *Corpus Iuris* Luther had available to him at the time of the indulgence controversy, "Luther und das Kanonische Recht," 88.

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profession, method, and conclusions of canon law. The origins of the medieval disciplines of theology and canon law shared only some limited similarities. Both had antecedents in the early Middle Ages and both came to prominence at universities in the twelfth century. For theology, it was Lombard's appropriation of Abelard's *Sic et non* methodology in the *Sententiae* that would shape medieval scholasticism in a dialectical direction.[8] Canon law paralleled this development. The primary book of canon law was Gratian of Bologna's *Concordia discordantium canonum*, also known as *Decretum Gratiani*, which has traditionally been dated 1140.[9] Like Lombard, Gratian sought to reconcile the disparate statements of ancient ecclesiastical canons, and in turn provide a more reliable guide to ecclesiastical governance.[10] Like theology, the *Decretum* became subject to an authoritative tradition of interpretation – its own *Glossa Ordinaria*. Also like theology, canon law continued to expand its texts and the commentaries on those texts. Additional collections of canon law were compiled on the basis of medieval papal and conciliar decrees. These included the 1234 *Decretales* of Gregory IX, the 1298 *Liber Sextus* of Boniface VIII, the 1312 *Constitutiones Clementinae* of Clement V, collected by John XXII in 1317, and other miscellaneous collections, such as John XXII's *Extravagantes*. Along with these new books of canon law arose additional glosses on them.[11]

By the fifteenth century, canon law had developed into a distinct discipline in its own right, with its peculiar texts, rules of discourse, and professional

8 For instance, see Clare Monagle, *Orthodoxy and Controversy in Twelfth-Century Religious Discourse: Peter Lombard's Sentences and the Development of Theology* (Turnhout, Belgium: Brepols, 2013).

9 The most recent treatment of this, which better details the expansion and editing of the *Decretum*, is Anders Winroth, *The Making of Gratian's Decretum* (Cambridge: Cambridge University Press, 2000). For older positions on the topic, see Stephan Kuttner, "Research in Gratian: Acta and Agenda," in *Proceedings of the Seventh International Congress of Medieval Canon Law*, ed. Peter Linehan (Vatican City: Biblioteca Apostolica Vaticana, 1988), 3–26; and John T. Noonan, "Gratian Slept Here: The Changing Identity of the Father of the Systematic Study of Canon Law," *Traditio* 35 (1979): 145–72.

10 For an example of these early methodological parallels in Gratian and Lombard, see Atria A. Larson, *The Master of Penance: Gratian and the Development of Penitential Thought and Law in the Twelfth Century* (Washington, D.C.: Catholic University of America Press, 2014), 315–42.

11 The most concise introductions to the collections and discipline of canon law are James A. Brundage, *Medieval Canon Law* (London: Longman, 2005); R. H. Helmholz, *The Spirit of Classical Canon Law* (Athens: University of Georgia Press, 1996). See also the helpful new summary articles in Atria A. Larson, "Popes and Canon Law," in *A Companion to the Medieval Papacy: Growth of an Ideology and Institution*, ed. Keith Sisson and Atria A. Larson (Leiden: E.J. Brill, 2016), 135–57; Atria A. Larson and Keith Sisson, "Papal Decretals," in *A Companion to the Medieval Papacy*, 158–73.

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qualifications and guilds. Initially, clergy were restricted to canon law and prohibited from practicing civil law.[12] However, with the separation of higher university faculties into theology, law, and medicine, soon canon law began to develop greater overlap with the procedures and concerns of civil law than with those of theology.[13] By the end of the thirteenth century, law – civil *and* canon – had acquired its own formal guilds and oaths of admission, and had become an independent profession.[14] The widespread late medieval growth and multiplication of universities in turn meant more faculties of both theology and law with more doctors of both being produced and employed. As a consequence, each profession retreated into its own specialization with its own parochial conflicts. Where canon law and theology did overlap, they focused on different areas of church life. Since medieval canon law had largely grown out of the conflict between papacy and empire in the twelfth century, ecclesiastical concerns predominated from an early stage.[15] By contrast, scholastic theology valued biblical exposition and theological speculation.[16] Between the beginning of the Avignon papacy and the onset of the Reformation, commentators on canon law focused more intently on questions of ecclesiastical power and regulation, while university theologians expanded their concerns to a variety of doctrinal *topoi*, specifically those relating to matters of salvation, as well as metaphysics and mysticism.

12 Amelia J. Uelman, "A View of the Legal Profession from a Mid-Twelfth Century Monastery," *Fordham Law Review* 71 (2003): 1517–41.

13 Constantin Fasolt, "Visions of Order in the Canonists and Civilians," in *Handbook of European History 1400–1600: Late Middle Ages, Renaissance, and Reformation*, 2 vols., ed. Thomas, Brady Jr., Heiko A. Oberman, and James D. Tracy (Leiden: E.J. Brill, 1994), 2:31–59. At Oxford, students were required to study civil law for three years before they could proceed to canon law. On this, see William Courtenay, *Schools & Scholars in Fourteenth-Century England* (Princeton, NJ: Princeton University Press, 1987), 37–41.

14 James Brundage, "The Rise of the Professional Jurist in the Thirteenth Century," *Syracuse Journal of International Law and Commerce* 20 (1994): 185–90.

15 On medieval canon law's ecclesiological origins and development, see Stephan Kuttner, *Harmony from Dissonance: An Interpretation of Medieval Canon Law* (Latrobe, PA: Archabbey, 1960); Stanley Chodorow, *Christian Political Theory and Church Politics in the Mid-Twelfth Century: The Ecclesiology of Gratian's Decretum* (Berkeley: University of California Press, 1972); Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge: Harvard University Press, 1983); and Brian Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism* (Cambridge: Cambridge University Press, 1955).

16 In addition to the classic study by Beryl Smalley, see John Van Engen, "Studying Scripture in the Early University," in *Neue Richtungen in der hoch- und spätmittelalterlichen Bibelexegese*, ed. Robert Lerner and E. Müller-Luckner (Munich: Oldenburg, 1996), 17–38.

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These dynamics created the net effect of two intellectual discourses operating independent of one another, or even in competition with one another.[17] Canonists often found themselves in ecclesiastical and secular courts, but theologians tended to work from the more autonomous realm of the monastery or the university. For the theologians, this meant a modicum of independence from ecclesiastical supervision, at least in the case of the exempt religious orders or the theology faculty, which itself retained the right to make theological judgments in the place of bishops, or even over against Rome.[18] Theologians and jurists also placed a different value on their disciplines. Theologians predictably considered their discipline superior to law, yet jurists elevated their discipline to the status of a "sacred science" on par with theology.[19] Theologians dealt with matters of law, but they did so on their terms and in connection with their specific theological questions. Jurists likewise dealt with theology on their terms, treating it as another form of law and submitting it to their legal questions and concerns. And, for whatever similarities may have existed between Abelard's *Sic et non* and Gratian's "concordance of discordant canons," theologians and jurists approached their texts in diverging ways. Jurists sought to reconcile apparent contradictions in ancient canons and to foster consistency in regulating ecclesiastical practice. On the other hand, theologians had less fealty to precedent. They aimed for productive conflict on disputed issues that would result in at least provisional conclusiveness.[20]

By the time of the Reformation, whatever compatibility may have existed between the two disciplines had turned into outright conflict. Moreover, this conflict began to tip on questions of ecclesiastical authority, as apologists used

17 This in fact was already the case for theology and law more generally in the twelfth century, as illustrated by the famous analogy Stephen of Tournai uses, which describes a theologian and a lawyer as two different dinner guests with competing tastes. For this story, as well as an exploratory essay on the relationship between these two disciplines, see G. R. Evans, *Law and Theology in the Middle Ages* (London: Routledge, 2002).

18 Astrik Gabriel, "The Ideal Master of the Medieaval University," *Catholic Historical Review* 60 (1974): 1–40; Alan E. Bernstein, *Pierre D'Ailly and the Blanchard Affair: University and Chancellor of Paris at the Beginning of the Great Schism* (Leiden: E. J. Brill, 1978), esp. 1–19; and Ian P. Wei, "The Self-Image of the Masters of Theology at the University of Paris in the Late Thirteenth and Early Fourteenth Centuries," *Journal of Ecclesiastical History* 46 (1995): 398–441.

19 On the juristic notion of "sacred science," see Walter Ullmann, *Medieval Papalism: The Political Theories of the Medieval Canonists* (London: Methuen, 1949), 38–49; Brian Tierney, "'Sola Scriptura' and the Canonists," *Studia Gratiana* 11 (1967): 345–66.

20 Takashi Shogimen, "The Relationship between Theology and Canon Law: Another Context of Political Thought in the Early Fourteenth Century," *Journal of the History of Ideas* 60 (1999): 417–31; Louis B. Pascoe, *Church and Reform: Bishops, Theologians, and Canon Lawyers in the Thought of Pierre d'Ailly, 1351–1420* (Leiden: E.J. Brill, 2005), 257–75.

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canon law to buttress papal authority against calls for reform, chiefly those coming from theological quarters. In the words of one commentator:

> Ever since the thirteenth century, an increasing antagonism may be observed between the theologians and the canonists. In fact, this antagonism had already come to the fore the moment these two disciplines were first pursued in separate faculties. This moment coincided with the introduction of the *ius novum* – that is, decretal law, the organization and development of which proved to be entirely a papal concern. At the time, the popes themselves were, as a rule, jurists, and accordingly preferred to recruit canonists rather than theologians to offices in ecclesiastical government. This government was in the process of being considerably extended, and, as such, made its own contribution to the transformation of the Church into a strictly ordered legal body.[21]

These divergent trajectories of canon law and theology should provide some clarity to the general dissonance Martin Luther – the theologically educated friar from the Order of the Hermits of St. Augustine and lecturer on Scripture in the theology faculty at Wittenberg – found as he first engaged canon law in the months and years following. He began to see and ultimately begrudge not simply ecclesiastical law itself, but its relationship to the papal hierarchy that created it and which was supported by it. In stating that the "most trivial decrees" of canon law support Roman primacy, he evokes the criticisms of many a late medieval theologian.[22]

3 Luther and Canon Law before Leipzig

Luther's initial forays into canon law did not yet reflect these greater ecclesiological implications. With the exception of one, rather dubious treatise on asylum steeped in legal analysis, Luther waited until his defense of the indulgence theses to make recourse to the medieval collections.[23] He used a variety

21 G. H. M. Posthumous Meyjes, "Exponents of Sovereignty: Canonists as Seen by Theologians in the Late Middle Ages," in *The Church and Sovereignty, c. 590–1918: Essays in Honor of Michael Wilks*, ed. Diana Wood (Oxford: Basil Blackwell, 1991), 299–312, at 311.

22 Meyjes, "Exponents of Sovereignty," 312, again framing this discipline-dividing question: "Is the pope in his exercise of sovereignty over the Church exempt from the norms of Scripture and tradition, the care of which belongs to the theologians?"

23 *Tractatulus de bis, qui ad ecclesias confugient*, *WA* 1:3–7. On the treatise, see Martin Brecht, *Martin Luther*, 1:155, who considers the *Tractatulus* authentic.

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of canons in his 1518 *Resolutiones* of the theses and in his interactions with Eck, Prierias, Tetzel, and Cajetan over the remainder of 1518. The initial canons he cited strictly related to indulgences, though at times Luther did tread closely to questions of the papacy's sovereignty over those in purgatory.[24] But, as the debate began to shift toward papal authority, Luther's use of canon law did, as well. He had made passing reference to the Clementine canon *Abusionibus*, issued at the Council of Vienne in 1311 to regulate indulgence preachers, but over the course of 1518 it took on greater prominence. He cited it several times in a May response to John Eck and in a June response to John Tetzel. In both texts, he bases his right to criticize indulgences on *Abusionibus*, which proves the church had long been forced to admonish indulgence preachers.[25] But by the time he penned his response to Sylvester Prierias's *Dialogus* in August, *Abusionibus* had taken pride of place among the canons. Luther makes it the third in a three-pronged rejoinder to the court theologian in Rome: the decree *Abusionibus* confirms his criticism of indulgences and provides him just what Prierias alleges that the Wittenberger does not have – an established church teaching on his side.[26] Luther went on to underscore the canon for its status as a pontifical decree and, thus, a source of ecclesiastical authority. In response to Prierias's argument that he has run afoul of church dogma, Luther claims that the church is on his side because he is citing an authoritative canon. Thus, it is not Luther, but Prierias who denies church teaching.[27]

The canons that later proved most pivotal with respect to the papal authority to institute indulgences – Clement VI's 1343 *Unigenitus*, which codified the treasury of merits, and Sixtus IV's 1476 *Salvator noster*, which allowed for the application of indulgences to those in purgatory – had not yet entered the fray. Despite his eventual protestations to the contrary, Luther never mentions, nor even seems aware of *Unigenitus* until Eck interjects it into the controversy. He questions the treasury of merits in the *Ninety-Five Theses*, but never references *Unigenitus* in his *Resolutiones*. It appears in his response to Eck, but each time in the context of church authority, not the treasury.[28] To this point he had not discussed it extensively or raised it to substantiate his criticisms of the treasury of merits, but only cited it in response to the arguments of Eck. *Unigenitus*

24 This was the case with his treatment of 1179's *Quod autem* or 1215's *Cum ex eo*. On these, for instance, see *WA* 1:537,28–39, and 570,14–20.

25 *WA* 1:311,8–17, and 387,12–18.

26 *WA* 1:647,19–28.

27 *WA* 1:655,30–36.

28 Twice, he claims that it is was strictly opinion (*narrationem*) and never approved as official church teaching by a council, thus lending credence to the suspicion of Cajetan and his other early interlocutors that he was a conciliarist. See *WA* 1:308,23, and 311,30–312,4.

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takes a determinative role in the indulgence controversy due to Cajetan.[29] In the October 1518 interview with Cajetan at Augsburg, Luther claims to have known about the decree from the outset.[30] But since he did not consider it authoritative, he left it alone and chose to let others – presumably jurists – deal with it.[31] Eventually, he concedes that the bull "should be revoked" and he "rejects, damns, and detests" it as "false and erroneous" and "contrary to the most obvious meaning of Scripture."[32] And, though Luther maintains his early knowledge of *Unigenitus*, this remains doubtful since he did not mention it once in his extended treatment of the treasury of merits in his *Resolutiones*. It is rather Eck who introduced it into the debate and Cajetan who established it as the pivotal canon, and only after this did Luther deny both the canon's authoritative status and its teaching on the treasury.

Apart from this rather haphazard use of canons to defend himself, there is scant evidence of any extensive study of canon law until Luther began to prepare for the debate with Eck in Leipzig. That changed, however, in the early months of 1519.[33] In February 1519, Luther detailed his study of canon law to Spalatin, citing various books of papal decrees, including the *Decretales*, the *Liber Sextus*, and the *Constitutiones Clementinae*.[34] Not even a month later, Luther first suggests to Spalatin that the pope might be the Antichrist, claiming to base that opinion on canon law itself.[35] But the impulse for this study of canon law was the pending debate with Eck. His interlocutors had persistently pressed the question of papal authority rather than indulgences, penance, or the *thesaurus meritorum*. Luther was well aware that the Leipzig Debate would focus on Roman primacy and that this would require an extended analysis and

29 *WA* 2:7,31–34; *LW* 31:261.

30 *WA* 2:8,1–9; *LW* 31:262.

31 *WA* 2:9,28–34; *LW* 31:264.

32 *WA* 2:18,25–33; *LW* 31:278.

33 For the timeline of this and what follows, see W. H. T. Dau, *The Leipzig Debate in 1519: Leaves from the Story of Luther's Life* (St. Louis: Concordia Publishing House, 1919), 87–109; Kurt-Victor Selge, "Der Weg zur Leipziger Disputation," in *Bleibendes im Wandel der Kirchengeschichte*, ed. Bernd Moeller (Tübingen: J. C. B. Mohr, 1973), 168–210; and Brecht, *Martin Luther*, 1:299–309.

34 *WA Br* 1:353,27–35 (Nr. 157). "Tum ego dicturus sum, quod decreta illa nunquam recepta sunt. Sed et si Greg. IX., qui decretalium primus collector est, qui Fridrico Secundo post S. Franciscum, Dominicum, qui denique Sanctam nostram Elisabeth canonisavit, hoc est nondum cccc annorum mortuus, si Bonifacius octavus, Sexti decretalium, si Clemens quintus, Clementinarum author, non redegissent Epistolas decretales in volumina. Sine dubio nec Germania eas nosceret. Ideo hiis tribus pontificibus dandum est, quod decreta Romanorum pontificum Invulgata sunt et Rhomana tyrannis Stabilita."

35 *WA Br* 1:359,32–360,35 (Nr.161); *LW* 48:111–16.

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treatment of the topic.[36] Over the next few months, he would immerse himself in the *Corpus Iuris* to substantiate his position regarding canon law and primacy.

In early 1519, Luther received Eck's first theses for debate at Leipzig, and in February 1519, Luther published his first set of counter-theses. These counter-theses included the infamous Proposition 13 – only then under the title of Proposition 12 in lieu of an additional thesis Eck would later publish, eliciting a revised set of counter-theses from Luther with the proposition concerning the power of the papacy now labeled thirteenth. The language of the thesis laments how Roman primacy has been proven *ex frigidissimis Romanorum Pontificum decretis intra cccc annos* – a direct reference to canon law as the source for a misguided view of ecclesiastical authority. Predictably, Proposition 13 raised turmoil due to the shifting nature of the debate toward questions of papal authority, leading Luther to examine the legal basis for claims to primacy further.[37] On the eve of the Leipzig Debate, with preparations nearly complete and his ecclesiological die somewhat cast, Luther reveals what he had learned from this study of canon law on the question of primacy, and it comes in the form of his defense of Proposition 13.

4 Canon Law and Primacy in the Explanation of Proposition 13

In June 1519, Luther published his *Resolutio de Lutheriana super propositione decima tertia de potestate papae*.[38] The treatise divides into three sections. The first deals with the traditional exegetical *loci* for Roman primacy, particularly Christ's command that Peter feed the sheep in John 21 and his identification of Peter as the rock in Matthew 16. The second treats seven specific passages in canon law that support Roman primacy, with a concluding excursus on how canon law conferred excessive temporal authority on the papacy. The third,

36 On this development, see David V. N. Bagchi, *Luther's Earliest Opponents: Catholic Controversialists, 1518–1525* (Minneapolis: Fortress Press, 1991), 17–65.

37 On this period and Luther's preparations, see Hendrix, *Luther and the Papacy*, 71–85; Leif Grane, *Martinus Noster: Luther in the German Reform Movement, 1518–1521* (Mainz: Verlag Philipp von Zabern, 1994), 38–49.

38 The text is at *WA* 2:183–240. The wording of the version he publishes in his June 1519 *Resolutio* differs somewhat from the first iteration: "Rhomanam ecclesiam aliis ecclesiis fuisse superiorem, probatur ex frigidissimis decretis Rhomanorum pontificum, contra quae sunt textus divinae scripturae, historiae approbatae mille centumque annorum et decretum Concilii Niceni omnium sacratissimi," *WA* 2:185,8–12. Luther removes reference to the '*cccc annos*' of papal decrees and also rearranges the other authorities that Roman primacy contradicts, from history, Scripture, and Nicaea, to Scripture, history, and Nicaea.

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and shortest, concludes the treatise with several different proofs from reason and history. While many of the arguments regarding primacy are – at least for Luther – rather conventional and unexceptional, this treatise provides an important glimpse into how he reads canon law, interprets it, and applies it to the topic at hand. The canons Luther addresses in the treatise largely come from Gratian's *Decretum*, the primary book of medieval canon law, even if it was sometimes less cited and less well-known than the later books of papal decrees, such as the *Decretales*, the *Liber Sextus*, the *Clementinae*, or the miscellaneous *Extravagantes*. The preponderance of Luther's canonical citations during the preceding indulgence controversy came from these collections, not the *Decretum*, so this represents a change of sorts in source material.[39] Of the seven *Decretum* canons he applies in defense of Proposition 13, one is from *distinctio* 19 (c. 7, *Ita dominus noster*), one is from *distinctio* 20 (c. 1, *De libellis*), four different canons are from *distinctio* 21 (c. 1, *Cleros*; c. 2, *In novo*; c. 3, *Quamvis*; and c. 4, *Inferiores sedes*), and the last is from *distinctio* 22 (c. 1, *Omnes*).[40]

Luther approaches canon law in at least three different ways in this text. First, he seeks to play one canon off against another, normally by finding a contradictory text that enables him to dismiss a text less favorable to his position. He had done the same thing in his earlier response to Prierias, claiming that Prierias could not hold him accountable for obedience to certain canons, yet ignore others that criticize and regulate indulgence preachers, like the Clementine canon *Abusionibus*.[41] In this treatise, he takes the same tack with *Cleros*, for instance, by contrasting its claims of Roman primacy with that of two canons from *distinctio* 99 (c. 4, *Nullus patriarchum*, and c. 5, *De eodem*) that qualify primacy out of deference to other parochial sees.[42] Whereas *Cleros* dealt with the Roman pontiff as chief of priests and the highest of all ecclesiastical orders, akin to the Old Testament Levites, Luther finds a conflicting opinion in the other canons.[43] In *Nullus patriarchum*, the African bishop

39 Hendrix argues that Luther did not believe the *Decretum* was part of the authoritative code of canon law and, on the basis of his February 1519 letter to Spalatin, intended to trick Eck into citing the *Decretum*, only to reject its lack of standing, Hendrix, *Luther and the Papacy*, 179 n. 47. Grane reads this differently. He claims that the trap is not from the *Decretum* to the papal decretals but from the *Decretum* to church history, in order to show that the juristic version of papal sovereignty did not exist in the church's first millennium, Grane, *Martinus Noster*, 52.

40 Additionally, Luther discusses two later papal decretals, both from the *Liber Sextus*. See *WA* 2:212–16, and 216–24.

41 *WA* 1:647,19–28; *WA* 1:655,30–36; and *WA* 1:679,31–34.

42 *WA* 2:200,7–202,3.

43 *Cleros* can be found at *Decretum Gratiani*, dist. 21, c. 1, in *Corpus Iuris Canonici*, ed. Emil Friedberg, 2 vols. (Leipzig: Tauchnitz, 1879), 1:67–69.

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Pelagius stated that none of the five patriarchs use the language of "universal" out of deference to one another.[44] In *De eodem*, a letter from Gregory the Great to the Greek patriarch, Gregory likewise refused the title of universal bishop.[45] Luther defends himself against the charge of heresy by citing a contradictory canon, making the case that critics like Prierias have no right to condemn him since he has a canon that supports his position.[46] Against them, he says that he has in fact learned from the canons and the canonists, but what he has learned in this instance contradicts what they otherwise teach.[47] And if even Gregory the Great in his letter to the patriarch can take this position, Luther should be allowed to, as well.[48] But he is not necessarily interested in supporting his position with a text from canon law. Rather, the implication he draws is that if these canons are at odds with each other, his opponents cannot defend Roman primacy *de iure divino*; if so, the authors of the letters he cites from canon law would also be guilty and thus stand condemned.[49]

Second, Luther approaches canon law by contrasting its authority with Scripture's and arguing that the canons arrogate to themselves an authority greater than that of Scripture. This is the most customary approach we identify with Luther, and it is the principal basis for Proposition 13 – that the decretals have taken precedence over Holy Scripture. While this is a subtext throughout, he emphasizes it clearly in his reference to *De libellis*, from *distinctio* 20.[50] He accuses the canon of identifying its statutes with the catholic and apostolic faith and with the four Gospels. He then responds that those who do not keep these canonical statutes still have the catholic and apostolic faith if their statute is the Gospel.[51] Here he makes specific reference to the Greek church (*qui sunt in oriente*), as he will in the debate with Eck. In this instance, Luther rejects the authoritative status of the canons if and when they take precedence over Scripture.

The third and most frequent way Luther interprets these canons is the one characteristic of a theologian: he submits canonical claims to the test of Scripture. In his reading of *Ita dominus noster*, from *distinctio* 19, he admits that

44 *Decretum Gratiani*, dist. 99, c. 4 (Friedberg 1:351).

45 *Decretum Gratiani*, dist. 99, c. 5 (Friedberg 1:351).

46 *WA* 2:200,35–201,5.

47 *WA* 2:200,25–34.

48 *WA* 2:201,26–34.

49 *WA* 2:201,35–202,3. "Alioquin si iure divino staret, nunquam debuit non esse et fuisse, et peccassent mortaliter hic Pelagius et Gregorius sicut cassantes ius divinum et euangelium depravantes."

50 *Decretum Gratiani*, dist. 20, c. 1 (Friedberg 1:65–66).

51 *WA* 2:199,35–200,6. "Tu cum tuis serva statuta et canones: illis, qui sunt in oriente, alia sunt statuta, sed idem euangelium."

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the truth has proceeded from Peter, but not in the way the bull reads Matthew 16.[52] Peter's faith is the rock upon which the church is built, not Peter himself or the Roman church.[53] Peter is not the gift (*dona*) poured out on the church as Christ's body, but instead he is one through whom (*per quem*) this gift is infused into the body. And not Peter alone, either, since this gift was poured out through Christ and the other apostles.[54] Furthermore, primacy as the bull construes it cannot be an essential matter of salvation since many others never knew of it. And, if it were affirmed, the entire Eastern church would be cut off from the faith.[55] Luther's interpretation of *Quamvis, distinctio* 21, registers a similar criticism.[56] He again isolates the canon's citation of Matthew 16 in reference to Peter as the first bishop of Rome. But this time he argues against it in several rather different ways. First, the text refers to Peter himself, not his successors.[57] Second, Roman primacy as identified with Peter would have been unknown to early martyrs, such as St. Stephen, since the church at Rome had not yet been founded.[58] Finally, the grammar of the text requires one to concede that, if Peter is in fact the rock, then faith in Jesus is built on the Roman church as the succession of that *petra*. And, if faith in Jesus is built on the Roman church, then that means the Roman church is not built on faith in Jesus, but ultimately on nothing at all – save for itself.[59]

Luther concludes his discussion of *Quamvis*, however, with a telling assertion. He suggests that the canons go wrong because they are written by ecclesiastics and clerks (*scribis*), who know little about theology.[60] Later, in his discussion of the papacy's temporal authority, he adds a similar comment. To

52 *Decretum Gratiani*, dist. 19, c. 7 (Friedberg 1:62).

53 *WA* 2:198,12–21.

54 *WA* 2:198,22–33.

55 *WA* 2:199,30–33. "Si enim verum esset, quod hic Leo iste dicit et tanquam divino praecepto eius verbis obediendum esset, iam tota orientalis ecclesia ab initio sui usque ad finem fuisset exors divini mysterii, quia nunquam sub rhomanae ecclesiae potestate fuit."

56 *Decretum Gratiani*, dist. 21, c. 3 (Friedberg 1:70).

57 *WA* 2:202,18–23.

58 *WA* 2:202,23–29. "Et ita s. Stephanus cum tot milibus martyrum orientalis ecclesiae damnati censebuntur."

59 *WA* 2:202,29–39. "Ut omittam, quod, si per verbum Christi potestas rhomanae ecclesiae intelligeretur, ut hic vult, et Christus super hanc petram ecclesiam suam se aedificare promittat, sequitur, quod universalis ecclesia non super fidem sed super potestatem rhomanae ecclesiae aedificata est: super quam tunc ipsa rhomana aedificata est? Non super petram, id est suam potestatem, nec super fidem, ergo super nihilum."

60 *WA* 2:203,3–13. "…. hos et similes Canones nihil praeter nomen de rhomanis pontificibus habere, esse autem compositos ab eorum officialibus et scribis, in theologia parum doctis. Ideo nihil euangelicum, nihil ecclesiasticum spirant, sed humanum affectum, carnem et sanguinem."

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his mind, the Roman curia responsible for producing such decrees is "dominated by jurists," who seek only power, and is lacking "theologians or those of sacred letters."[61] It also evokes his extended argument at the end of the preceding year's *Acta Augustana*, where he explains that theologians and jurists operate with different approaches to deciding doctrinal claims. According to Luther, canon law itself grants to doctors of theology the responsibility of interpreting Scripture and judging between conflicting opinions. In this sense, he says, "juridical competence differs from theology" because theologians "preserve the purity of Scripture" while jurists "emphasize their traditions."[62]

This line of reasoning, stretching from Luther's conflict over canon law – ironically with a notable theologian, rather than a canonist, in Cajetan – to the defense of Proposition 13 on the eve of the Leipzig Debate, reflects a wholly different conception of his task as a theologian in contrast with the jurists. Luther sees himself as a theologian and reads canon law as a theologian, not a canonist. He spends no time attempting to resolve apparent contradictions between canons, in the spirit of Gratian. He seldom cites glosses from the extensive tradition of medieval canon law commentary. He makes no recourse to other legal collections, nor does he make allowance for the application of the law to different historical contexts.[63] He does not read canon law as a jurist intent on understanding it, or even manipulating it, but as a theologian intent on discrediting it and disproving it.

5 Luther, Nicaea 6, and the Pentarchy

The clearest example of Luther's departure from the medieval canonists on ecclesiological questions may come not from Luther's interpretation of specific

61 *WA* 2:205,1–3. "Deinde vide, quid sit in curia rhomana iuristas dominari et sine theologis ac sacris literis de sola potestate et spiritussancti praesentia praesumere, hoc est, per solam potentiam scripturas tractare. Caeterum iuxta Augustini regulam et rhomanus et omnis pontifex subiacet cuiuslibet fidelis etiam iudicio, maxime in materia fidei."

62 *LW* 31:285. Contrasting the *Acta Augustana* with Luther's explanation of Proposition 13, Grane says of the latter, "The jurists against the theologians, the decrees of the pope against the genuine understanding of Holy Scripture, this is how Luther sees the conflict, and he saw it in exactly this way when he published his theses for the Leipzig disputation, but when he did so, he was much better prepared," Grane, *Martinus Noster*, 57.

63 In some sense, Luther's keen eye for historical discontinuities in law favored the humanists, particularly in the emerging debate between the *mos Italicus* and the *mos Gallicus*. On this, see Julian H. Franklin, *Jean Bodin and the Sixteenth-Century Revolution in the Methodology of Law and History* (New York: Columbia University Press, 1963); and more recently James Gordley, *The Jurists: A Critical History* (Oxford: Oxford University Press, 2014), 111–27.

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canons, but rather from his lack of engagement with canons that would have proven his point more adequately. This occurs in his reading of the sixth canon of Nicaea, which he cites in Proposition 13 when he refers to the "decree of the Council of Nicaea." The Nicene canon he has in mind affirms the equality of the ancient patriarchal sees, traditionally identified as the pentarchy of Jerusalem, Antioch, Alexandria, Constantinople, and Rome.[64] Canon 6 of Nicaea allows for customs to be maintained within the ancient sees under the jurisdiction of their respective bishops.[65] Toward the end of his explanation of Proposition 13, in the section dealing with arguments from history and reason, Luther explains several ways that Nicene canon 6 applies to the issue at hand. First, he makes the case that Nicaea 6 gave to Rome, as to each of the other patriarchal sees, governance of the churches in its territory. But it did not give Rome the same governance of churches outside its territory, and what it did give to Rome within its own territory it did so by "established custom," not divine right.[66] He cites another provision in the same canon that bishops should be ordained by these provincial ordinaries, not the see of Rome, and here he adds that if anything has taken away Roman primacy, it is a statement like this by the council of Nicaea.[67] Next, he notes that Nicaea 6 accords primacy of honor to the Jerusalem bishop, not to Rome.[68] Finally, he asks how Rome can claim primacy when other sees had apostles, too, or why Jerusalem itself would not naturally have primacy since Jesus and all of the apostles were connected with Jerusalem from the outset, not just Peter, as it was for Rome.[69]

But what should be noted about Luther's use of Nicaea 6 is that he does not marshal canons that would have proven more effective in supporting his case.

64 There is very little literature addressing the pentarchy directly, and what exists does so mostly in Italian. For examples see Enrico Morini, "Roma nella Pentarchia," in *Roma fra Oriente e Occidente*, ed. Centro di studi sull'Alto Medioevo (Spoleto: Centro di studi sull'Alto Medioevo, 2002), 833–942; and Yannis Spiteris, "Perché Bisanzio rifiutò il papato," *Laurentianum* 35 (1994): 139–73.

65 The text can be found in Norman Tanner, ed., *The Decrees of the Ecumenical Councils*, 2 vols. (Washington, D.C.: Georgetown University Press, 1990), 1:8–9: "The ancient customs of Egypt, Libya and Pentapolis shall be maintained, according to which the bishop of Alexandria has authority over all these places since a similar custom exists with reference to the bishop of Rome. Similarly in Antioch and the other provinces the prerogatives of the churches are to be preserved. In general the following principle is evident: if anyone is made bishop without the consent of the metropolitan, this great synod determines that such a one shall not be a bishop. If however two or three by reason of personal rivalry dissent from the common vote of all, provided it is reasonable and in accordance with the church's canon, the vote of the majority shall prevail."

66 *WA* 2:238,3–14.

67 *WA* 2:238,15–21.

68 *WA* 2:238,22–32.

69 *WA* 2:238,33–239,7.

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Luther cites the Nicene canon, but largely ignores canon law on the question of the pentarchy. He seems unaware of how frequently the argument regarding the equality of the five sees had been used throughout the Middle Ages, whether over tensions between East and West, papacy and empire, or papalism and conciliarism – and how it could routinely be used by both sides of the debate. Dating back as far as the so-called eighth ecumenical council at Constantinople in 869 (Constantinople 4), Nicaea 6 was quoted to affirm the universality of a council convoked by the Roman bishop independent of Greek participation.[70] During the Gregorian reforms of the eleventh century, Nicaea was cited not against Roman primacy, but in favor of its right to reform because it was privileged over the other sees in the West.[71] In the conciliar movement of the late Middle Ages, particularly in the debates over the Council of Basel, the pentarchy took on a greater significance still. Conciliarist John of Ragusa urged the Greeks to participate in a reunion council with the Basel majority under the premise that a universal council should incorporate all five ancient patriachates.[72] Likewise, the pro-Baselian Juan de Segovia appealed to the pentarchy to argue that the Roman synods his papalist opponents were citing for legitimation of their position had less authority than ecumenical councils composed of all five patriarchal sees.[73] On the other side, arch-papalist Johannes Torquemada used the pentarchy to argue that a council convoked by the proper authority of one see is as valid as a council participated in by the remaining patriarchates.[74]

A more direct comparison to Luther on the pentarchy in canon law is Nicholas of Cusa, the fifteenth-century thinker and conciliarist who later joined the papalist ranks at the Council of Basel. His 1434 conciliarist treatise, entitled *De concordantia catholica*, includes an important canonical treatment of Roman primacy in relation to the other patriarchal sees. It is worth remembering that Cusanus needed to grant Roman primacy so as to support the proper convocation of Basel as an authoritative council, but he also wanted to acknowledge the greater unity of the pentarchy. Unlike Luther, he does not simply resort to Nicaea 6. Instead, he corroborates his argument with

70 Hermann Josef Sieben, *Die Konzilsidee des lateinischen Mittelalters (847–1378)* (Paderborn: Ferdinand Schöningh, 1984), 42–43. On Constantinople 4, see Tanner, *Decrees*, 1:157–86.

71 Sieben, *Die Konzilsidee*, 121.

72 Hermann Josef Sieben, *Traktate und Theorien zum Konzil: von Beginn des Grossen Schismas bis zum Vorabend der Reformation (1378–1521)* (Frankfurt am Main: Verlag Josef Knecht, 1983), 5. See also Werner Krämer, *Konsens und Rezeption: Verfassungsprinzipien der Kirche im Basler Konziliarismus* (Münster: Aschendorff, 1980), 205.

73 Sieben, *Traktate und Theorien*, 115.

74 Sieben, *Traktate und Theorien*, 117.

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numerous other canons.[75] He cites neither *distinctio* 20 nor *distinctio* 21, as Luther does in his explanation of Proposition 13. The canons he does reference, however, range widely. After Nicaea 6, he resorts to the infamous *distinctio* 19, c. 9, the case of Pope Anastasius II (r.496–98), which medieval canonists, and especially conciliarists, used to assert papal fallibility.[76] He cites at least four canons from *distinctio* 22 (in contrast to one short discussion from Luther on *distinctio* 22, c.1), and these touch on the equality of the apostolic sees, the relationship of Rome as the primary see to Constantinople as the secondary see and new Rome, and Constantinople's share in the primatial privileges of Rome. Cusanus also references the fourth council of Constantinople, which was rejected by Rome as universal because it lacked Roman participation as one of the patriarchal sees. Finally, he cites numerous medieval glosses on the canons in question.[77]

For a trained medieval canonist like Cusanus, there was a wealth of resources from within the medieval legal tradition he could employ to make roughly the same argument as Luther about Rome's relationship to the other ancient patriarchal sees. Why does Cusanus find so many canons relevant to the pentarchy in his discussion, while Luther is content with Nicaea 6? Part of the reason is that, because of the debates at Basel, Cusanus had to use certain canons to affirm Roman primacy and to legitimate the council's authority in a way that Luther did not need to and had no interest in doing. But the primary reason Cusanus could compile a host of canonical sources related to the equality of the patriarchial sees, while Luther simply cites canon 6 of Nicaea is that Luther did not appear to know which other canons might relate to the topic. In short, he approached the ecclesiological question of the relationship and ranking of

75 Cusanus deals with this in *De concordantia catholica* 1.62–66. The critical edition is found in the Heidelberg edition of Nicolas of Cusa's *Opera Omnia*, 22 vols. (Leipzig: Felix Meiner, 1932–2008), 14:81–87. An English translation can be found in Nicholas of Cusa, *The Catholic Concordance*, ed. and trans. Paul E. Sigmund (Cambridge: Cambridge University Press, 1991), 43–47.

76 Tierney, *Foundations*, 34–39.

77 The specific loci he cites include: Dist. 19, c. 9, *Anastasius*; Dist. 66 (65), c. 7, *Quoniam Mos*; Dist. 22, c. 2, *Sacrosancta*; Dist. 22, c. 7, *Diffinivimus*; Dist. 22, c. 3, *Constantinopolitana*; Dist. 22, c. 6, *Renovantes*; Constantinople 8; Causa 1, q.7, c. 4, *Convenientibus*; and the glosses *Si papa* (Dist. 40, c. 6) and *Sane* (Causa 22, q.2, c.6). Cusanus also has an extended treatment of this in another piece drafted during the Council of Basel, *De maioritate auctoritatis sacrorum conciliorum supra auctoritatem papae*, which can be found in parallel English-Latin in Nicholas of Cusa, *Writings on Church and Reform*, ed. and trans. Thomas M. Izbicki (Cambridge, MA: Harvard University Press, 2008), esp. 86–93 and 114–23. On Cusanus and the pentarchy, see Morimichi Watanabe, *The Political Ideas of Nicholas of Cusa, with Special Reference to His De Concordantia Catholica* (Geneva: Droz, 1963), 76–77; Krämer, *Konsens und Rezeption*, 36.

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the five patriarchal sees not as a jurist wielding canons in order to establish precedent, but rather as a theologian seeking to discredit the very arguments of papal apologists dependent upon certain canons for their ecclesiological opinions. Ecclesiology, as Meyjes noted, was the sphere of the canon lawyer, not the theologian, in the late Middle Ages.

6 Conclusion

By the time Luther arrived at Leipzig in late June 1519, he was in no frame of mind to debate the interpretation of specific canons, as he may have been when the indulgence controversy began. He had armed himself to defend his theological arguments on the basis of Scripture and, where Scripture and canon law contradict each another, to denounce the canons altogether. While the Leipzig Debate proved ecclesiastically and theologically consequential because of Luther's appeal to Scripture over council, pope, tradition, and canon, allusions to Proposition 13 or his June *Resolutio* of that proposition remain limited in the course of the debate. Eck cites the original Proposition 13, in particular the denunciation of the *frigidissima Romanorum pontificum decreta*, and presents arguments against it, but Luther devotes little time to defending his position on canon law with respect to primacy.[78] At two different points, he simply refers his opponent and the auditors back to his defense of the thesis, satisfied with the discussion found therein, though he does hint that Eck's opposition to Proposition 13 is not "catholic."[79] Whatever Eck's merits as a canonist, Luther viewed his responses as little more than slavish repetitions of canon law that did not engage Scripture, history, or reason in the way expected of the medieval *magister Sacrae Paginae*.

The road that led to Luther's conclusions regarding church authority at Leipzig ran through canon law and what he found therein on the question of Roman primacy. Luther began the study of canon law in earnest during the indulgence controversy in order to substantiate his theological objections to indulgences. Over the course of the next year and in response to repeated appeals to papal authority by his opponents, Luther immersed himself in the *Corpus Iuris* to defend his positions, only to come to the conclusion that canon

78 Eck facetiously refers to the *frigidissima decreta* often when citing authorites, for instance, *WA* 59:435,67–71, and 471,1204–18.

79 *WA* 59:481,1524–26, and 500,2090–92. See also *WA* 59:481,1521–23: "Haec sic dico, quod nisi dominus doctor egregius suam sententiam mutarit tanquam evidentissime contrariam Paulo, non sum eum habiturus pro catholico."

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law – Gratian's *Decretum* and subsequent papal decrees, in addition to the jurists (and theologians) advocating for primacy on the basis of canon law – had taken precedence over Scripture, a millennium and a half of the church's history, and the ancient pentarchy articulated in the canons of the Nicene council. *These* were the primary sources of the theologian, at least according to the scholastically trained Luther, not canon law. Proposition 13 reflects the deliberations of a theologian engaging with canon law on a subject he considered the proper domain of theology and its methodological use of Scripture, reason, and history. Luther rejected Roman primacy on largely exegetical and historical grounds, but he laid the foundation for that rejection through his study of canon law and the defense of primacy he found therein.

The growing distance between the canonist and theologian, between ecclesiastical jurisprudence and theology, may explain why Luther approached canon law on the question of primacy in the way he did. As a theologian, he could not possibly have understood the inherent pliability of jurists and their use of the law for ecclesio-political ends. Luther could never have envisioned moving across late medieval conciliarist-papalist battle lines due to political exigency as canonists like Panormitanus, Giuliano Cesarini, or Nicholas of Cusa did.[80] Furthermore, as a friar and doctor of theology who abandoned the study of law and was trained in the *via moderna* at Erfurt, Luther could not have appreciated the nuances and complexities of medieval legal discourse. He read canon law as a theologian: noting its discrepancies, questioning its authoritativeness, and ultimately subjecting its claims to Scripture. The consequence for Luther at Leipzig is that, if Roman primacy has its basis in the human opinion of positive law rather than the divine law of Holy Scripture, it is strictly *de iure humano*, and thus can and should be rejected when a definitive matter of the faith is in the balance, such as the Pauline doctrine of justification. Given that, it is no wonder the Luther of Proposition 13 could so readily become the Luther of the Leipzig Debate. For the Wittenberg theologian, it is

80 For examples see Gerald Christianson, "Cusanus, Cesarini, and the Crisis of Conciliarism," in *Conflict and Reconciliation: Perspectives on Nicholas of Cusa*, ed. Inigo Bocken (Leiden: E.J. Brill, 2004), 91–103; Constantin Fasolt, *Council and Hierarchy: The Political Thought of William Durant the Younger* (Cambridge: Cambridge University Press, 1991), 315–20; Arnulf Vagedes, *Das Konzil über dem Papst?: Die Stellungnahmen des Nikolaus von Kues und des Panormitanus zum Streit zwischen dem Konzil von Basel und Eugen IV* (Paderborn: Ferdinand Schöningh, 1981); and Morimichi Watanabe, "Authority and Consent in Church Government: Panormitanus, Aeneas Sylvius, Cusanus," *Journal of the History of Ideas* 33 (1970): 217–36.

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a short leap from decrying the "the most trivial decrees of the Roman pontiffs" to subordinating all theological authorities to Scripture alone.[81]

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81 On the relationship between the Leipzig Debate and Luther's developing Scripture principle, see Volker Leppin, "Die Genese des reformatischen Schriftprinzips: Beobachtungen zu Luthers Auseinandersetzung mit Johannes Eck bis zur Leipziger Disputation," in *Reformatische Theologie und Autoritäten*, 97–139. See also Leppin, "Papst, Konzil, Kirchenväter: Die Autoritätenfrage in der Leipziger Disputation," in *Die Leipziger Disputation 1519*, ed. Markus Hein and Armin Kohnle (Leipzig: Evangelische Verlagsanstalt, 2011), 117–24: "Was Luther auf diese Weise gesagt hat, war alledrings der Sache nach nur die nachdrückliche Konzequenz aus jener Differenzhermeneutik, durch die er sich schon zuvor von Eck und anderen unterschieden hatte. So bedeute die Leipziger Disputation für Luther und die reformatorische Theologie insgesamt auch, dass neben der Ablehnung der weltlichen Autoritäten die positive Autoritätenlehre der Reformation in neuer Deutlichkeit entfaltet werden konnte. Wenige Monate nach der Leipziger Disputation legte Melanchthon seine Thesen zur Erlangung des theologischen Baccalaureates vor, die sehr klar formulierten, dass nichts heilsnotwendig sein könne, was nicht in der Heiligen Schrift stehe. Das '*Sola-scriptura*-Prinzip' als Konsequenz der Differenzhermeneutik hat damit einen klaren Ausdruck gefunden, und Luther hat ihm zugestimmt: 'Philips Thesen … sind ganz schön frech, aber überaus zutreffend'," 124.

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PART 2

After Leipzig: the Implications of the Leipzig Debate

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CHAPTER 7

Philip Melanchthon and the Earliest Report on the Leipzig Debates

Timothy J. Wengert

If "Brand Luther," to use Andrew Pettegree's apt phrase, began with the publication of the wildly popular *Sermon von Ablaß und Gnade* of March 1518, the first real test of Luther's popularity, especially among his fellow humanists, occurred in the aftermath of the Leipzig Debates.[1] Here Luther had the assistance of Philip Melanchthon, an experienced fighter in such matters, as his editing of letters in support of Johannes Reuchlin five years earlier proved.[2] Melanchthon had already played an important role in the run up to the debates, appealing directly to Erasmus of Rotterdam, then in Louvain, to be one of the judges.[3] Then, at the debate itself he helped Luther by handing him notes with some salient patristic citations.[4]

The debates at Leipzig concluded on 15 July 1519. Less than a week later, on 21 July, Melanchthon had written an open letter to the Augsburg preacher

1 See Andrew Pettegree, *Brand Luther: 1517, Printing, and the Making of the Reformation* (New York: Penguin, 2015); Timothy J. Wengert, ed., *Martin Luther's 95 Theses with Introduction, Commentary, and Study Guide* (Minneapolis: Fortress, 2015), 37–48. For this essay, the following abbreviations will be used: *CWE: Collected Works of Erasmus*, vols. 31–34: *Adages* [I.i.1 to III.iii.100] (Toronto: University of Toronto Press, 1982–1992); *MBW*: *Melanchthons Briefwechsel: Kritische und kommentierte Gesamtausgabe: Regesten*, ed. Heinz Scheible, 12 vols. (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1977–); *MPG*: *Patrologia cursus completus: Series Graece*, 161 vols. (Paris & Turnout, 1857–1866); *MPL*: *Patrologia cursus completus: Series Latina*, 221 vols. (Paris & Turnhout, 1859–1963); *MSA*: *Melanchthons Werke in Auswahl* [*Studienausgabe*], ed. Robert Stupperich, 7 vols. (Gütersloh: Gerd Mohn, 1951–1975); *T 1*: *MBW Texte*, vol. 1 (Stuttgart – Bad Cannstatt: Frommann-Holzboog, 1991).

2 *MBW* 1 (*T1*:35–36), dated before March 1514, the preface to *Clarorum virorum epistolae latinae graecae et hebraicae variis temporibus missae ad Ioannem Reuchlin Phrocensem LL. doctorem* (Tübingen: Thomas Anshelm, March 1514).

3 *MBW* 38 (*T1*:95–97), dated 5 or 9 January 1519. See Timothy J. Wengert, "'Qui vigilantissimis oculis veterum omnium commentarios excusserit': Philip Melanchthon's Patristic Exegesis," in *Die Patristik in der Bibelexegese des 16. Jahrhunderts*, ed. David C. Steinmetz (Wiesbaden: Harrassowitz, 1999), 115–34.

4 Heinz Scheible, *Melanchthon Vermittler der Reformation: Eine Biographie*, 2nd ed. (Munich: Beck, 2016), 71; Joachim Camerarius, *Das Leben Philipp Melanchthons*, trans. Volker Werner (Leipzig: Evangelische Verlagsanstalt, 2010), 58–59.

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Johannes Oecolampadius, who had first struck up a friendship with Melanchthon while the two were in Tübingen working together at Thomas Anshelm's print shop.[5] (Oecolampadius had given Melanchthon a copy of Rudolf Agricola's work on the relation between rhetoric and dialectic, a viewpoint that influenced Melanchthon throughout his career.)[6] By 26 July Wittenberg's printer, Johannes Grunenberg, had published this letter in quarto on a single sheet of paper. It was quickly reprinted in Leipzig, Basel (twice), and Augsburg.

By beating everyone else to the punch, Melanchthon insured not only that Luther would be viewed the true victor in the debate but also that Luther's Christian humanist *bona fides* contrasted to Eck's wooden, scholastic style. Even though many viewed Eck as the "winner" of the debate when judged by the prevailing standards of logic and orthodoxy, Melanchthon succeeded in putting Eck and his supporters on the defensive, further enhancing the humanist Luther's standing among the up-and-coming intellectuals of Renaissance Europe north of the Alps. In many ways, Melanchthon's open letter rather than the actual debate was and is the proper measure of Luther's success, despite attempts by Eck and Martin Cellarius to answer it.[7] Melanchthon responded almost immediately to Eck's letter with a small tract of his own.

1 Melanchthon's Open Letter to Oecolampadius

Already Eck's reply to Melanchthon's letter noted how extraordinary the younger man's action was. Eck pointed to the decision to await the judgment of the University of Paris (and Erfurt), "lest someone would disseminate our disputation through a printer" beforehand. "Nevertheless, the grammarian of Wittenberg, Philip, not unlearned in Greek and Latin, dared to publish a

5 *MBW* 59 (*T1*:132–41).

6 See Heinz Scheible, "Melanchthon zwischen Luther und Erasmus," in *Renaissance – Reformation: Gegensätze und Gemeinsamkeiten*, ed. Rolf Decot (Wiesbaden: Steiner, 1989), 68–90, now in Scheible, *Melanchthon und die Reformation: Forschungsbeiträge*, ed. Gerhard May & Rolf Decot (Mainz: von Zabern, 1996), 171–97, here 182–83.

7 On the one hand, Cellarius's letter (*MBW* 66 [*T1*:150–57]), dated August 1519 and only published in Ingolstadt (with Eck's *Excusatio*), stands in stark contrast to the popularity of Melanchthon's letter. Eck's reply (the *Excusatio*, *CR* 1:97–103, dated by Eck 25 July 1519), on the other hand, was published in Leipzig (twice), in Ingolstadt (with Martin Cellarius's letter), in Basel (with Melanchthon's original letter and marginal comments attacking Eck), and in Augsburg (with Melanchthon's original letter and his response to Eck's attack as well as a preface [by Oecolampadius?] defending Melanchthon and making fun of Eck). Melanchthon's defense (the *Defensio … contra Iohannem Ekium*, *CR* 1:108–18) was published in Wittenberg, Leipzig, and Augsburg (with Eck's attack and Melanchthon's original letter).

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letter that provokes me [to respond], besmirches with much name-calling not my cause but the cause of the faith, and usurps for himself the office, which we conferred upon the University of Paris."[8] Thus, it was not simply *what* Melanchthon wrote but *that* he wrote the letter at all, which gave it such an impact. Eck now knew that whatever approval he might receive from Paris and other institutions, it was a pyrrhic victory in the face of Melanchthon's attack.[9]

The first paragraph announces in no uncertain terms that Melanchthon is writing as a Renaissance humanist to other humanists (not simply to Johannes Oecolampadius) and that he is writing as a Christian (indicated by his [for him] unusual "Greeting in Christ").[10] His high Latin style is the first tipoff, given Melanchthon's generally simple, straightforward mode of writing. But the content of this paragraph, filled with highfaluting expressions of friendship, sounds more at home in a collection of Erasmus's correspondence. In the first eighteen lines of the *MBW*, Melanchthon manages to quote Ovid, Aristotle and two adages (one in Greek) culled from Erasmus's *Adagia*.[11] But then he does Erasmus (and Aristotle) one better by insisting that his friendship does not simply arise from "any of your benefits of our love, but the author of our friendship is the Spirit of our Christ."[12] Melanchthon, of course, knew that writing a description of the debates before the protocols had been released was problematic, and for that reason he resorts to the categories of friendship and Christ's Spirit to defend tacitly his reasons for writing such a friendly letter.

But Melanchthon also manages to hint at the dangers facing him and his friend, hoping that changes in circumstance do not endanger their relationship nor that it be sullied by "any kind of low-class things and – through partiality – corrupt decisions."[13] Thus, already from the beginning Melanchthon

8 *CR* 1:97. Other universities (Erfurt, Cologne and Louvain) were also involved.

9 Given the widespread myths about Melanchthon's character that still find supporters today, it must be said that Melanchthon was consistently *not* as irenic (or compromising) a figure as some have imagined (then and now). Luther himself noted that when Melanchthon attacked someone, he did it with such subtlety that they did not even know they were being attacked. For this author's attempt to expose this myth, see Timothy J. Wengert, "Luther and Melanchthon – Melanchthon and Luther," *Luther-Jahrbuch* 66 (1999): 55–88.

10 *MBW* 59 (*T1*:133, 1–2). For a German translation, see *StL* 15:1217–24, and for an English translation, see Philip Melanchthon, *Selected Writings*, ed. Elmer Flack and Lowell Satre, trans. by Charles Leander Hill (Minneapolis: Augsburg, 1962), 20–28. All translations here are the author's own.

11 Erasmus, *Adages* 1.10.79 and 2.7.50; Ovid, *Trist.* 1, 3, 66; Aristotle, *Eth. Nic.* 9, 1 (1154a 7–11).

12 *MBW* 59 (*T1*:134, 1).

13 *MBW* 59 (*T1*: 134, 7–8): "… vulgaribus illis et – per gratias – 'pedaneis' suffragiis…." The technical term 'pedaneis' (lesser judges who handle only trivial matters) is from Erasmus,

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has slyly put the reader on notice to the impossibility of corrupt judges (namely, Paris and Erfurt) coming between true friends in Christ.[14] Moreover, the "nakedness of the graces" marked their friendship, a phrase in Erasmus's *Adages* defined as "open-hearted goodwill in sharing with our friends; or that between friends there should be no pretenses, no concealments, but everything bare and straightforward."[15] Given that Oecolampadius had up until now imparted more gifts in this friendship, Melanchthon was ready to return the favor, something that Aristotle had demanded in his *Ethics*.[16] Yet the true basis of this friendship is not its mutual benefits but the Spirit of Christ.

Having gained a hearing from Oecolampadius in this extended exordium, Melanchthon now turns to the business at hand. He begins by referring to their common study of letters as sufficient reason for his sharing the results of the Leipzig Debate, which (he adds with not a little irony) offered more in expectation than substance (*expectatione maiore quam pro re*) and involved "some ambiguities of the theologians."[17] He contrasts the obscurity of the Leipzig debates with the clarity Oecolampadius himself has brought to the pulpit in Augsburg, "so that 'theological letters' are taught purely and simply."[18] Then, in line with his insistence on a Christian friendship in the first paragraph and using an idiom from Cicero, Melanchthon reveals in one sentence the true origin of the dispute. "In the first instance, this 'field' of debate 'was assumed'[19] for no other reason than to make plain the difference between the old theology of Christ and the novel, Aristotelian theology."[20] With this alone Melanchthon has won the battle in the court of humanist opinion by taking up one of their favorite criticisms of scholastic theology (its novelty and its bad use of Aristotle).[21] This

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Adages 1.10.79 and was used by Melanchthon in an earlier letter to Spalatin, where the origin and meaning are clearer (*MBW* 58 [*Tr*: 131, 6], dated 21 May 1519).

14 *MBW* 59 (*Tr*: 134, 12): "… qui talem non dico 'Thesea' sed christiana 'fide' amicum nobis iunxerit." The "faith of Theseus" comes from Ovid (see *MBW*, n. 11).

15 *Adages* 2.7.50 (*CWE* 34:25).

16 Eth. Nic. 9, 1 (1154a, 7–11). Because he will later contrast the Aristotelian Eck to the Biblical Luther, Melanchthon adds that "argute ille quidem, sed non omnino probe" (that one [speaks] indeed sharply but not altogether appropriately).

17 *MBW* 59 (*Tr*:134, 26). The German (*StL* 15:1218) renders the last phrase elegantly as: "über einige dem Schein nach zweideutigen Lehren der Theologen." But this fails to render the implicit judgment on all such theological debates, given that Cicero sometimes uses *ambiguas* as meaning "obscure."

18 *MBW* 59 (*Tr*:134, 29–30). Melanchthon's employs the rather seldom-used phrase "theological letters" as the humanist equivalent of "good letters" (*bonae litterae*).

19 Cicero, *Cael.* 26.63; cf. Erasmus, *Adages* 2.4.41.

20 *MBW* 59 (*Tr*:134, 30–32).

21 Erica Rummel, *The Humanist-Scholastic Debate in the Renaissance and the Reformation* (Cambridge, MA: Harvard University Press, 1995).

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means that, unlike Eck and his supporters, Melanchthon from the beginning argues (as Luther, the humanist theologian also would) that the heart of the debate lies in different methods: scholastic logic chopping versus the return to the oldest and purest sources (*ad fontes*).

At this crucial juncture, Melanchthon refuses to judge the outcome but instead claims simply to describe the events so that Oecolampadius himself can decide. With this feigned neutrality Melanchthon circumvents the "official" judges and calls instead upon Oecolampadius and, with him, all well-educated (i.e., humanist) readers to judge for themselves.[22] Not the protocols of the debate or, as Melanchthon specifically mentions, "doubtful rumors" but the impression it left on Melanchthon becomes the vantage point from which to judge the affair.

So where should Melanchthon begin his description? With the help of Aristides (via Erasmus), he proclaims in Greek that he will start "from scratch."[23] It turns out that he means *not* with the debate itself but with the events from 31 October 1517 onward and especially the *Obelisks* of Eck attacking the *Ninety-Five Theses*.[24] Melanchthon, toeing the Wittenberg line exactly, refers to Luther's positions (*sententiae*) on indulgences and contrasts them to Eck's very biting writing (*amarulentius scriptum*), which because of its harshness Melanchthon cannot bring himself to describe. Andreas Bodenstein von Karlstadt then dismissed them in his *Conclusiones*,[25] to which Eck in turn responded in his somewhat milder defense.[26] Karlstadt in turn refuted Eck's defense.[27] How should one describe this paper war? Melanchthon turns to Virgil: "The greater the injury, the greater the obscure speaking."[28] It is noteworthy that Luther's own *Asterisks* against Eck is nowhere mentioned. Thus,

22 One can almost imagine that among those readers would be Erasmus, who had heretofore refused to be called upon as an official judge.

23 *MBW* 59 (*Tr*:135, 38), quoting the *Adages* 1.6.57 (where Erasmus refers to Aristides among others).

24 Martin Luther, *Disputatio pro declaration virtutis indulgentiarum* (*WA* 1:229–31); Johann Eck, *Obelisci* (*WA* 1:278–313). To introduce this "starting from the beginning" he uses a Greek phrase taken from Erasmus, *Adages*, 1.6.57.

25 Andreas Karlstadt, *CCCLXX et apologeticae conclusiones* (Wittenberg: Grunenberg, 9 May 1518).

26 Johann Eck, *Defensio contra amarulentas … Carolstatini … invectiones* (Augsburg: Grimm & Wirsung, 14 August 1518). Melanchthon's earlier description of Eck's *Obelisci* as *amarulentius* is a play on Eck's title here.

27 Andreas Karlstadt, *Defensio adversus … Eckii … Monomachiam* (Wittenberg: Grunenberg, February 1519).

28 Not noted in *MBW* 59 (*Tr*: 135, 44): "Longa est iniuria, longae ambages" from Virgil, Aeneid, 1.341–42.

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the "obscure speakers" refer more specifically to Karlstadt and Eck than to Luther himself. In the wake of this war of tracts, a disputation was arranged and set for Leipzig, with Eck from Ingolstadt and Karlstadt and Luther from Wittenberg as the debaters. Propositions were drawn up, Melanchthon continues, but he adds that when the protocols of the debate are published, everyone will be able to judge best what occurred. Again, the official university judges are simply ignored in favor of the learned public.

But Melanchthon refuses to wait for the protocols and instead offers his own description of the events. He begins with a brief sketch of Eck's objections to the manner in which the disputation was to be recorded. According to Melanchthon, Eck was afraid that the slowness of the stenographers would somehow diminish the effectiveness (and affect) of the debate: "minds are enriched by passion but totter by delay."[29] This very argument opens Eck to a devastating (humanist) critique. Paraphrasing Eck, Melanchthon wonders how in the world "theological simplicity,"[30] a humanist ideal if ever there were one, is helped by such passion. "In the study of letters and especially in a matter of piety [*pietas*], I think nothing is more important or salutary in face-to-face meetings of the good and learned than where one position is compared to another in an irenic and tranquil way with a minimum of obstinacy."[31] He contrasts eschewing of victory in such a setting with its most pernicious opposite: "those popular contentions," where only victory matters.[32] To seal the argument against Eck's animosity, Melanchthon contrasts him to Gregory of Nazianzus and Erasmus, thereby underscoring the humanist orientation of the letter.[33] For humanists like Oecolampadius and Melanchthon (to say nothing of Luther himself), good theology arises out of conversation, not shouting matches.[34] Eventually, Karlstadt demurred to Eck's insistence on judges.

The first debate, between Karlstadt and Eck, revolved around free choice [*liberum arbitrium*]. Even the way Melanchthon introduces this theme matches typical humanist criticism of scholastic theology. After defining the debate with a Greek term (whether there is such a thing as a "self-chosen" good work),

29 *MBW* 59 (*Tr*: 135, 56).

30 Eck's own term. See *MBW* 59 (*Tr*:135, n. to line 57).

31 *MBW* 59 (*Tr*:136, 59–62).

32 *MBW* 59 (*Tr*:136, 63–64). Cf. *StL* 15:1219: "pöbelhafte Zänkereien."

33 *MBW* 59 (*Tr*:136, nn. to 65f & 66): Gregory of Nazianzus, *De moderatione in disputationibus servanda* (*MPG* 36:174–212) and Erasmus, *Adages* 1.3.7. In 1521 Oecolampadius translated Gregory's work into Latin. Melanchthon could also have in mind the tone of *Enchiridion Christiani militis*.

34 To see how this principle continues to shape Wittenberg's theology, see Wengert, "Luther and Melanchthon," passim.

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he rephrases it using scholastic terms: "That is, as they say, whether we merit grace congruously [*de congruo*], when 'we do what is in us' (for I am using their words)."[35] Melanchthon insists that for four days running they debated whether the will "only" receives "a good work" and thus "brings about" grace.[36] Using a delightful reference to an ancient legend about the Symplegades, two floating islands banging together at the entrance to the Black Sea, he insists that this fight over technicalities was not necessary and clearly foreign to Karlstadt's intent.[37] Eck, seeming to Melanchthon to have contradicted himself, argued that the human will had "no genuine power to produce good works but only a receptivity and that which grace produces."[38] Thus, when Karlstadt argued that every [*totum*] good work comes from God, Eck responded "indeed every but not in totality."[39] This theological nitpicking allows Melanchthon to insert a devastating criticism of Eck. "But just look how this sharp comment is worthy of the majesty of the name 'theologian'! So much playing with words, from which our present day is free!"[40] First Eck asserts that God moves the will "but then that we must consent according to our power." When Karlstadt opposed Eck with irrefutable citations of Augustine and Paul, Eck responded with something from Bernard, "which scarcely pertained to the matter at hand."[41] For humanists, as for Shakespeare, "Brevity is the soul of wit," so that Melanchthon then makes fun of the disputants spending so much time ("we wasted seven days") over something he briefly summarized in a paragraph. "From these authorities [*auctores*] I learned most of all what it is that the ancient writers called sophisticizing. It is a wonder that all these things could be discussed with such commotion, with the style of a tragedy."[42] This contrasts to the [Holy] Spirit, who loves silence "through which the Spirit penetrates into

35 *MBW* 59 (*Tr*:136, 70–73). Eck will object that he did not use such language, but here the point is not so much Eck per se but the scholastic theology he supposedly represents.

36 *MBW* 59 (*Tr*:136, 76–78).

37 *MBW* 59 (*Tr*:136, 78–79). The name appears not only in Apollonios of Rhodes (as mentioned in the *MBW*) but also in Ovid and Euripides.

38 *MBW* 59 (*Tr*:137, 80–81).

39 *MBW* 59 (*Tr*: 137, 82–84). This argument appears in Johannes Seitz, *Der authentische Text der Leipziger Disputation* (Berlin: Schwetschke, 1903), 35, 45, 53.

40 *MBW* 59 (*Tr*: 137, 84–85), reading with the correction in *MBW*'s note to 85 and the Latin gloss in the Augsburg printing.

41 *MBW* 59 (*Tr*:137, 90–91). Seitz, *Der authentische Text*, 26, does not identify the citation, probably from Bernard's *De gratia et libero arbitrio*.

42 *MBW* 59 (*Tr*:137, 93–95), where Melanchthon uses a Greek verb found in Demosthenes and Plutarch.

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us and fills us with the love not of glory but of knowledge of the truth."[43] But these "rays of heavenly wisdom" penetrate us only when the cross has already purged us and put to death the "elements of the world."[44]

Finally, Melanchthon describes Luther's turn to "descend into the arena." In some respects, his description of Karlstadt's encounter with Eck already foreshadowed how Melanchthon will characterize this phase of the debate. In other respects, however, the general condemnation of *all* scholastic approaches to theology, which applied to both Karlstadt and Eck, disappears from the description of Luther, whom Melanchthon clearly perceived as a true humanist theologian (going to the sources [*ad fontes*] and employing good letters [*bonae literae*]). He begins by mentioning the uncertainty about whether Luther would be allowed to debate at all, given his case with Rome. The subject, of course, had changed from free choice to "whether the authority of the 'ecumenical pontiff' could be demonstrated by divine right."[45] Luther, who was more than happy to admit that such an "ecumenical pontiff" existed, questioned whether that authority was divinely given. The debate, judged by Melanchthon to have been even cruder [*asperior*] than the preceding, lasted five days, and was filled with Eck's bitterness, incivility and hatred, designed to inflame the rabble against Luther.[46] Melanchthon ridicules Eck's argument that a body (even the body politic) cannot be without a head and therefore the pope is the head of the church by divine right. To this Luther responded that the church is a kingdom of the Spirit and needed no other head than Christ as stated in Colossians.[47] When Eck tried to use Jerome and Cyprian to prove his case, Melanchthon dismisses the attempt, pointing out that Eck's interpretation was at best doubtful. Then Eck referred to the letter of Bernard to Pope Eugene III, *On Consideration*, which "he boasted about as his Achilles armor," despite the fact that other things in the same source supported Luther's view.[48]

43 *MBW* 59 (*Tr*:137, 95–97). Melanchthon underscores this with reference to the Song of Songs (3:4–5 and others).

44 *MBW* 59 (*Tr*:137, 98–101), with reference to Colossians 2:20 (with Ephesians 4:22). This echoes what later will be called the distinction between law and gospel.

45 *MBW* 59 (*Tr*:137, 105–06).

46 Unlike Karlstadt or Eck, Melanchthon always uses only Luther's first name in this part of the letter, perhaps a ploy to gain him even more sympathy.

47 *MBW* 59 (*Tr*: 138, 114), where Melanchthon refers to Colossians 1:18 (while Luther had previously referenced Ephesians 4:15 in the debate itself).

48 *MBW* 59 (*Tr*:138, 118–20). Achilles' armor was constructed by Hephaestus and rendered him impregnable.

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"Moreover, who is so stupid not to understand what is owed to Bernard in this matter?"[49]

Melanchthon then briefly describes the debates over certain Scripture passages. Luther connected the "you are Peter" text (Matthew 16:18), later to be carved into St. Peter's in Rome, not to Peter and his successors, but to his confession of faith, where Christ is throughout Scripture the Rock. "Feed my sheep" (John 21:17) was spoken to Peter privately and personally, Luther responded, after Christ had already given authority to all the apostles (in John 20:23).

When Eck trotted out the condemnations by the Council of Constance of Hus's statement ("It is not necessary for salvation to believe that the Roman Pontiff is the ecumenical one") and insisted that a council could not err, "Prudently Martin answered that not all articles were condemned as heretical [at the Council], and [he said] other things which, to recount them all, is too much trouble."[50] Of course, Luther's comments *were* troublesome to the Wittenbergers for a completely different reason: they opened up an entirely new line of investigation for Rome into Luther's view of conciliar authority. Not only did Luther blame Eck in his open letter to Pope Leo X in 1520 for having trapped him into questioning the authority of councils, but part of his interview with the Archbishop of Trier at Worms focused precisely on the authority of the Council of Constance.[51] Instead, Melanchthon summarizes what he viewed as Luther's more important claim, that councils could not concoct new articles of faith, a claim that both he and Luther would reiterate twenty years later in writings on the church.[52] But Melanchthon also realized the trouble this line of questioning had been for Luther. "Because of this Martin was badly spoken of, because he seemed to be arguing against councils, when no one [more than Luther] showed with greater piety that councils have their own authority."[53] Instead, Luther was accused of heresy, of belonging to the "Bohemian party," and other offenses.

According to Melanchthon, Eck failed to note the relation between the apostolic office and administration. While admitting that the apostles were all equal in authority, he refused to apply this equality to later bishops. An apostle, according to Paul in Romans 1:5, had no other office than as a "legation 'for the obedience of faith.'"[54] Thus, there was no difference between apostleship

49 *MBW* 59 (*Tr*:138, 120–21). This is by far the harshest language Melanchthon used in the entire letter.

50 *MBW* 59 (*Tr*:139, 133–35).

51 *WA* 7:46, 14–29; 7:854, 15–16; and 7:855, 1–4.

52 See, for example, *MSA* 1:326–39 and *WA* 50:551, 11–23.

53 *MBW* 59 (*Tr*:139, 137–39).

54 *MBW* 59 (*Tr*:139, 142–44), with the citation given in Greek.

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and administration. "To Eck, it seemed intolerable to abandon papal decrees or specific words of any one among the holy fathers."[55] Over against such a scholastic, reactionary stance bolstered by later sources, Melanchthon described how Luther "non-arrogantly" limited papal authority by going *ad fontes*, basing his argument on Galatians 2:6 – God is no respecter of persons. Eck was of the opinion that, while Christ chose all the apostles, Peter alone ordained all of the bishops.[56] "From these things you may guess the rest," Melanchthon adds sarcastically.[57] When confronted with the text in canon law, "Let not the Roman Pontiff be called the universal bishop," Eck responded, "he must not be called the universal bishop but the bishop of the universal church."[58]

The debate then turned to a discussion of purgatory. Here only recently have scholars accurately reconstructed the chain of events.[59] In 1516, Eck published a tract that rejected the traditional explanation of papal power over purgatory (namely "*per modum suffragii*" [in the mode of a supplicant]) and insisted (with Pope Sixtus IV and later statements by Gabriel Biel) that the pope exercised his plenitude of power in releasing souls from purgatory. Luther, who had gone out of his way in the summer of 1517 to obtain a copy of Eck's work, responded in the *Ninety-Five Theses* by reiterating the traditional explanation, championed (among others) by Bonaventure. In his *Obelisks*, Eck had taken issue with Luther's position, and Luther defended himself not only in the *Asterisks* but also in the *Explanations of the Ninety-Five Theses*. Thus, it is hardly surprising that this topic again came up in Leipzig. But, in Melanchthon's opinion, Eck's comments "were off target,"[60] since instead of discussing papal power in purgatory he insisted on proving the existence of purgatory using a variety of proof texts, all of which Melanchthon deftly dismisses,[61] remarking that "many interpretations lead Scripture far from the fountains [*a fontibus*] rather

55 *MBW* 59 (*Tr*:139, 145–46).

56 *MBW* 59: (*Tr*:139, 151–52), word for word from the debate. See Seitz, *Der authentische Text*, 137, 141, and 143.

57 *MBW* 59 (*Tr*:139, 152).

58 *MBW* 59 (*Tr*:139, 152–155), citing *Decretum Gratiani*, pars 1, dist. 99, cap. 3 (citing canon 26 of the third Council of Carthage from 397). For Eck's reply, see Seitz, *Der authentische Text*, 143.

59 Volker Leppin, "Der Einfluss Johannes Ecks auf den jungen Luther," *Luther* 86 (2015): 135–47, and Wengert, *Luther's 95 Theses*, 17. The tract in question is Johann Eck, *Disputatio Viennae Pannoniae habita* (27 January 1517).

60 *MBW* 59 (*Tr*:140, 156), using a saying based on Erasmus, *Adages* 1.10.30.

61 *MBW* 59 (*Tr*:140, 158–73). Eck cited 2 Maccabees 12:45 (to which Luther responded that already Jerome had questioned its canonicity), 1 Corinthians 3:15 (to which Melanchthon remarks that Oecolampadius knew it had varied interpretations), Matthew 5:25–26 (where Melanchthon labels Eck's interpretation as twisted), and Psalm 66:12.

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than retaining its native power."[62] This squares exactly with Melanchthon's (and Luther's!) humanist approach to authority and Scripture: returning to the original sources and retaining their native power.

Perhaps most telling for Melanchthon was Eck's behavior when the debate touched upon indulgences and gave rise to jokes and jests by him. Melanchthon's scalding opinion was again that Eck's proofs (*enthymemata*) missed the mark. Although Luther and Eck agreed that there were some punishments of satisfaction in general, when it came to whether individual sins demanded specific punishments in accord with divine righteousness and within human capacity, Melanchthon remained unconvinced by Eck's arguments. Beyond this, there were other arguments with which he did not want to burden the reader.

Karlstadt then came back for a final bow, debating how obstacles to grace were removed (Eck insisted it was by grace, not by nature) and whether human beings sin when doing a good work. Although Eck and Karlstadt cited many passages of Scripture, Melanchthon was content with Romans 7:18–23, which helped Karlstadt's opinion not a little. Melanchthon, being called away to more necessary labors, breaks off his account to give a more general assessment of the event:

> Concerning celebrated debates of this kind, I do not know what others think. To me, indeed, they seem un-Christian.[63] In this theater, they show off their cleverness, broad erudition and complex teaching, from which I would wish a greater emphasis had been placed on piety. Otherwise, many among us admired Eck because of his varied and remarkable gifts of ingenuity. Karlstadt, I believe, you know from his writings: he is a good man and clearly in no small way erudite, "without a doubt"[64] above average in distinguished teaching. In Martin, with whom I am now thoroughly familiar through long acquaintance,[65] I admire as having lively ingenuity, erudition, and eloquence. I cannot but dearly love such a sincere and purely Christian mind. By friends we have in common may you be greeted! You know what the Greeks are accustomed to saying: "Many are the illusions of war."[66] Thus, regarding the particulars of this debate,

62 *MBW* 59 (*Tr*:140, 170–71).

63 He uses a Greek word: *aposchristoi*.

64 Alluding to Pliny, *Naturalis historia*, preface, par. 7.

65 Cf. Ovid, *Tristia*, 3.5.9.

66 Erasmus, *Adages*, 2.10.19, where he adds (*CWE* 34:135), "Said of the baseless rumors, or the fear that arises without reason, which is called *panikon* in Greek." Erasmus cites, among others, Cicero, *Ad Atticum* 5.20.3.

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> it is not a matter of you believing either rumor or those who are eager to spread rumors about everything.[67]

This closing salvo summarizes the heart of Melanchthon's critique as a kind of peroration. First, he calls such debates un-Christian and contrasts true piety to the boastful nature of such theater. Then, he admits that some (not he!) praised Eck's cleverness. Damning by faint praise, he admits that Karlstadt was a good man. It is for Luther that he reserves unadulterated praise, adding to humanist qualities (cleverness, intelligence and eloquence) the one that, according to the letter's introduction, he most prizes: "a sincere and purely Christian mind." But by citing a Greek phrase, Melanchthon adds the coup de grâce: do not believe rumors about this debate – rumors of course that especially emphasized Luther's rejection of papal and conciliar authority. Instead, treat Luther as this humanistically inclined Christian forced to operate in the arena of late-medieval scholasticism but triumphant nonetheless.

2 Eck Responds

As we saw above, Eck was livid when he received a copy of Melanchthon's letter in Leipzig. Immediately perceiving the damage Melanchthon's missive could inflict upon his victory, he went about tearing Melanchthon's description apart in a letter published by the end of July 1519.[68] But Eck's very response, the *Excusatio*, consisting of sixteen paragraphs that delimited an equal number of Melanchthon's errors, demonstrates how far removed his method was from any humanist niveau. He replaces Melanchthon's polished syntax with numbered arguments and uses no classical citations or Greek phrases whatsoever. But he is also caught between a rock and a hard place, since by replying to Melanchthon Eck, too, was not waiting for the publication of the protocols or the judgment of the universities. Thus, he quite often seems tentative, referring to the upcoming publications rather than making his own arguments.[69]

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67 *MBW* 59 (*T*1:141, 190–202). The allusion to Ovid was not noted by the *MBW*.

68 Johann Eck, *Excusatio Eckii ad ea, quae falso sibi Phil. Melanchthon Grammaticus Wittenb. super Theologica Disputatione Lipsica adscripsit* (Leipzig, 1519).

69 For a somewhat similar dilemma, see David Bagchi, *Luther's Earliest Opponents: Catholic Controversialists 1518–1525* (Minneapolis: Fortress, 1991), 69–91. He mischaracterizes the exchange between Melanchthon and Eck as "better-humored" (70).

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1. Eck objects to Melanchthon's characterization of his objections to transcribing the debate, even while admitting that privately he may have complained that such a process would inhibit good debate.[70]
2. On free will, he refutes the accusation that his comments strayed from Karlstadt's main point and denies that he relied only on Bernard of Clairvaux. Instead, Eck got Karlstadt to admit that the will is active in doing good works. Melanchthon's comments are no better than his criticism of Erasmus's *New Testament*.[71]
3. On the distinction between total and totally, Eck claims that Melanchthon did not understand the nature of God, who could not be in any created thing totally, and had ignored the fact that Bernard had explicitly used this distinction.
4. Eck insists that he did not inflame the crowd against Luther.
5. To Melanchthon's claim that Eck had misconstrued citations from Jerome and Cyprian, Eck invited the reader to look at the actual passages (he gives specific references) and see who is right. "But this I leave to the judges."[72]
6. On his use of Bernard at this juncture, Eck insists he would rather trust Bernard, who opposes all the Lutheran positions, "than Philip and all of his sycophants."[73]
7. In the debate, Eck answered Luther's interpretation of Matthew 16 with citations of a host of church fathers. Moreover, Eck is astounded that Luther, for all of his learning, did not notice that the reception of the Holy Spirit by all the apostles in John 20 preceded the special call of Peter to "feed my sheep" in John 21.
8. However "prudently" Luther stated his opinions, they still match the heretical statements of John Hus and therefore deserved condemnation as such.
9. Melanchthon clearly misheard Eck on the question of administration and apostleship. As Leo, Jerome and Cyprian had said, the apostles were equal in ordaining priests and bishops but not in the commission and administration of governance. "Thus I hold in low esteem the weak argument of this grammarian."[74]

70 *CR* 1:98.

71 For the 1519 exchange between Melanchthon and Erasmus over the criticism of Erasmus's *Paraphrase*, see Wengert, "Philip Melanchthon's Patristic Exegesis."

72 *CR* 1:99. Eck continuously refers his case to the official judges and thereby unwittingly allows Melanchthon's criticisms to stand.

73 *CR* 1:99.

74 *CR* 1:100.

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10. Of course all apostles ordained bishops, Eck fumes, but Peter was in this regard the supreme hierarch.
11. On the citation from canon law, Eck insisted that Gregory was here opposing imperial usurpation of papal authority.
12. Luther's comment, that the existence of purgatory could not be proved from Scripture, forced Eck to demonstrate that it was. Moreover, in the original theses for debate, the issue had come up.
13. Eck defends his citation of 2 Maccabees on the basis of Augustine's and Jerome's use. That this book is not in the Hebrew canon is of no concern, since (again according to Augustine) it is up to the church to determine what is the gospel.[75]
14. Eck's connection of Matthew 5:26 (about the judge throwing a person in jail) to purgatory rests upon Ambrose's interpretation. Eck demands to know whether Melanchthon, a chalk-dust schoolteacher, thinks he is a better interpreter of Scripture than Ambrose.[76]
15. Melanchthon's accusation that Eck did not stay on topic regarding penance again causes Eck to refer to his original theses for debate. The Parisian judges will better judge the matter than some inattentive grammarian.
16. Finally, Eck denies that he made fun of the topic of indulgences. To his claim that indulgences remitted penalty owed for sin, Luther had brashly said that indulgences led to the remission of good works. (This criticism, already present in Luther's 16 January 1517 sermon at the Castle Church, in his *Ninety-Five Theses* and in the *Sermon on Indulgences and Grace*, goes to the very heart of Luther's criticism of indulgence preaching: that it undermined true contrition.)

Eck's conclusion is obvious. Not he but Melanchthon is spreading false rumors about what happened in Leipzig. Melanchthon's lack of theological training (he would receive his bachelor of Bible in September 1519) meant that Augustine's criticisms of the grammarian Cresconius (a Donatist) applied also to Philip.[77] In this Eck realized that Melanchthon's method of attack was as important as its content. "But you, my reader, believe those who were present at the debate and do not be put off by human affections and the 'force of familiarity' as Philip is,[78] but have regard for our justification of what is good.

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75 Here (*CR* 1:101), Eck quotes Augustine, "I would not have believed the gospel if the authority of the church had not moved me," a text that the reformers continually had to explain away.

76 *CR* 1:102: "Sed dic, tu pulverulente scholae Magister…."

77 Augustine, *Contra Cresconium Grammaticum partis Donati libri IV* (*MPL* 43:445–594).

78 Eck is paraphrasing Melanchthon's praise of Luther at the end of *MBW* 59.

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God is my witness that in this business I sought the truth of the Christian faith and the honor of God."[79]

3 Melanchthon Reacts

Scarcely had Eck's salvo come off the presses in Leipzig than Melanchthon responded, a fact gleaned from a letter to Johannes Lang in Erfurt, dated 11 August 1519, in which he complains about Eck and mentions he had written an *Apologia* [written in Greek].[80] It is a somewhat different form than the open original letter to Oecolampadius in that it matches Eck's sixteen complaints with nine numbered counterarguments. While still using Greek and Latin adages, it is addressed generally to the open-minded reader and evinces a much harsher style than the subtle letter to Oecolampadius. Most importantly, it focuses on methods for interpreting Scripture and the Church Fathers.

To begin with, Melanchthon describes his first letter as a friendly missive, more a sketch than a description, designed not to burden its readers. He denies having attempted to offend anyone – a completely disingenuous argument, as we have seen – and calls it an unchristian and inhuman act to do so. He was recounting the history of the event, "simply and faithfully."[81] Over against this irenic spirit, it was Eck who demonstrated an evil mind. His criticism of this entire method of disputation applied as much to Karlstadt and Luther as to Eck, and yet only Eck attacked him, despite the fact that such debates seemed to Melanchthon "not a little out of tune with theological dignity."[82]

Melanchthon insists that he remembers well what happened and that he simply wanted to point out some things "that seemed to me harmful to Sacred Scripture."[83] In this light, Melanchthon wants to follow what is necessary for faith and not simply "whatever by whatever reason Ambrose or Jerome said." This is merely to serve human reason and, like Penelope, to weave and reweave

79 *CR* 1:103.

80 *MBW* 62 (*T*1:144–46, here line 12). Melanchthon requests that if he has written anything anti-Christian, Lang should correct him. This letter, *Defensio Philippi Melanchthonis contra Iohannem Ekium Theologiae Professorem* (Wittenberg: Grunenberg, 1519), is published in *MSA* 1:12–22. An original copy with a dedication in Melanchthon's hand to Johannes Dölsch is in the Bayerische Staatsbibliothek. Another hand identifies Dölsch as Melanchthon's teacher. He was a canonist of the All Saints' Foundation in Wittenberg and teacher of theology, who received his doctorate there in 1521 and died in 1523. See *MBW* 11:359.

81 *MSA* 1:13, 26.

82 *MSA* 1:14, 12–13.

83 *MSA* 1:14, 20–21.

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the same cloth, following human affections rather than God's Word.[84] With this sharp criticism, Melanchthon echoes the theses for his Bachelor of Bible, which he will defend the following month, namely, that any doctrine outside Scripture does not need to be believed and even the church councils are under Scripture.[85] Melanchthon, in full humanistic humility, begs pardon for any errors and insists that he, in Paul's words, has not tried to make a show of things,[86] nor will he try "to sow strife with strife."[87] Of course, Eck's calumnies were simply "blunt arrows,"[88] as the records of the debate will show. "For Christ is altogether more to me than these completely frivolous calumnies."[89]

Then follow the nine numbered arguments. First, Melanchthon rejects Eck's claim that the argument over free choice did not stray from the topic. "I ask you: am I talking about victory when I say that the debate between Karlstadt and Eck was not concerned with human righteousness or congruous merit but with whether the will only receives a good work?"[90] Despite Eck's claim, Melanchthon was not trying to usurp the role of judge in the matter. In any case, second, when the issue is faith, one cannot simply rely on others to judge. Third, he questions Eck's argument about the role of grace in a good work – as if Karlstadt suddenly was defending Eck's own premise! Instead, Karlstadt simply meant that every good work comes from God, as opposed to Eck's confusing words on nature and grace that were no more Christian than "that Barbarian, Heraclitus the Obscure."[91] Eck's complaint about Melanchthon's comments regarding Erasmus, "the prince of studies," was simply off topic. While giving credit to Erasmus's knowledge, Melanchthon insists that Christ is the true leader (*dux*: that is, duke over a mere prince).[92] Fourth, Eck's distinction between "total" and "totally" is a wholly fictitious and new gloss, hardly worthy of a theologian but simply revealing Eck's Occamist leanings.

Melanchthon's fifth point is much longer than any of the others and turns to Martin Luther, "who venerates and defends the authority of the ecumenical pontiff," and his debate over papal power.[93] Eck was of the opinion that Matthew 16 supported his view that the popes have authority *de iure divino*

84 Cf. Plato, *Phaedra*, 84a.

85 *MSA* 1:23–25. He defended them on 9 September under Luther's presidency.

86 Hebrews 10:33; *MSA* 1:15, 4.

87 *MSA* 1:15, 8–9, cited in the Greek from Pseudo-Phocylides, 78.

88 *MSA* 1:15, 11, cited in the Greek from the *Iliad*, 11.390.

89 *MSA* 1:15, 19–20.

90 *MSA* 1:15, 32–35.

91 *MSA* 1:16, 36–37, where the word "Scotsman" (Scotus) mistakenly is used in place of the Greek for "obscure" (*skotios*).

92 *MSA* 1:17, 1–11.

93 *MSA* 1:17, 24–25.

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"because the holy fathers, councils and academics interpreted [the passage] concerning Peter's primacy."[94] Luther responded with modesty and faith. "But look at what happened when Eck so boldly emphasized the authority of the holy fathers and placed his hope of victory in them!"[95] By beginning the argument for the priority of Scripture and its clear, single meaning in this way, Melanchthon places the blame for the matter squarely on Eck and his overemphasis of the fathers. More than that, Melanchthon moves his argument from criticism of Eck's style to concentrate on the broader question of authorities in theology. Without arguing Luther's case directly, Melanchthon concentrates on a proper (humanist) method for approaching the church fathers and, while insisting on the fathers' authority, notes that they often disagree, because of which one must turn to Scripture itself and let it, as a touchstone, judge the sayings of the fathers and decrees of the councils, especially since the fathers themselves use Scripture as the source of their thought. Moreover, one cannot always be sure of their interpretation, so that it may be from a good spirit but still not square with the literal meaning of a text. "As the Greeks say, 'They run well, but on the wrong road.'"[96] Then, when it comes to the scholastics, the problems are even worse – "Indeed, I do not know what Proteus they imagine, while they transform the divine letters into allegorical, tropological, anagogical, literal, grammatical, and historical senses and pour them out into I-don't-know-what cesspools."[97]

Here Melanchthon has sharpened the humanist critique of scholastic exegesis, as a way of mitigating his and Luther's diminution of the fathers' authority. Returning to his central point, Melanchthon contrasts the errors of the fathers to "The scripture, which they call canonical and is the one from the Heavenly Spirit, pure and true in every respect."[98] So if Luther called attention to weaknesses in the ancient interpretations, this does not undermine true godliness and follows the interpretations of Origen, Augustine, and Ambrose. Over against Eck's citations of Bernard, Cyprian, and Jerome, it simply means that the tradition is divided and cannot be used to prove the papacy's authority. But Melanchthon goes a step further and points out how both Cyprian and Jerome, if read in context, do not support papal authority in nearly the way Eck claimed. By reiterating a position on authorities that Luther carved out at the debate itself, Melanchthon takes a giant step forward in the reorientation

94 *MSA* 1:17, 27–30.
95 *MSA* 1:17, 32–34.
96 Erasmus, *Adages*, 1.1.84; *MSA* 1:18, 28–29.
97 *MSA* 1:19, 10–13.
98 *MSA* 1:19, 22–23.

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of fathers as subject to historical analysis and standing under the Scriptures, which (as Peter Fraenkel noted a generation ago) is the *primum et verum*.[99]

Melanchthon covers the final points much more briefly. Sixth, he turns aside Eck's interpretation of John 21 as giving Peter added authority as a misinterpretation of Melanchthon's original point. Seventh, on the authority of 2 Maccabees, Melanchthon cites Jerome's own opinion of the "intercanonical" writings and insists that these writings have different value from the canonical Scriptures.[100] Eighth, he makes fun of Eck's argument on Matthew 5 and points out that Ambrose (in his commentary on Luke) was in no way referring this text to punishment meted out after death.[101] Finally, ninth, Melanchthon points out that there are other issues, most of which will come to light when the protocols themselves are published, and he calls the readers to genuine theological studies that feed the mind. He ends with this ironic twist: "Farewell, my reader, and have regard for our defense of the good. For even Eck himself will be a witness that in many places I could have prosecuted this case with far more bitterness, if I had indulged my heart more freely."[102] This back-handed threat, a ploy typical for Melanchthon, only served to emphasize the sharp nature of this small tract.[103]

4 Martin Cellarius Offers a Final Word

This was not, however, the end of the matter. Sometime in August 1519 another author, Martin Cellarius (aka Borrhaus) entered the arena by providing a preface to Eck's *Excusatio* printed in Ingolstadt.[104] Born in Stuttgart in 1499, Cellarius had studied in Tübingen at the same time Melanchthon had, receiving his Bachelor's degree in 1513 and his Master of Arts in 1515. On 21 May 1519 he matriculated at the University of Ingolstadt where he studied with Johannes

99 For Luther, see Scott Hendrix, *Luther and the Papacy: Stages in a Reformation Conflict* (Philadelphia: Fortress, 1981), 71–94. The misleading phrase, *sola Scriptura*, should be replaced with Fraenkel's more accurate description of the Bible as the *primum et verum* (first and true) authority. See Peter Fraenkel, *Testimonia Patrum: The Function of the Patristic Argument in the Theology of Philip Melanchthon* (Geneva: Droz, 1961).

100 *MSA* 1:21, 4–12.

101 *MSA* 1:21, 13–22, 9, which cites Ambrose in *MPL* 15:779–80, 1829 and 14:1023.

102 *MSA* 1:22, 29–32.

103 The original consisted of two printed sheets (A i–iv, B i–iv).

104 See *MBW*, vol. 11: *Personen: A–E*, 279. for the biographical details. Cellarius wrote several other accounts of the Leipzig debates critical of Luther. See Bagchi, *Luther's Opponents*, 271.

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Reuchlin. Although in 1521 he was corresponding with Melanchthon[105] and in 1526 visited Wittenberg before settling in Strasbourg in 1527 where he married, he was by no means in Luther's camp in 1519 as this open letter demonstrates.

Cellarius clearly knew humanist standards for letter writing, and fills his flowery epistle with quotes from Erasmus's *Adages*, other classical sources and even other writings of Melanchthon (without any use of the Greek). He begins with effusive praise for "my incomparable friend," Melanchthon, and for the latter's dedication to the humanities.[106] Because of this "friendship" and their common studies in Tübingen, Cellarius can dare to address Melanchthon and remonstrate him regarding the false charges made against their common "friend," Johann Eck, especially given the fact that as a teacher in Tübingen Melanchthon had actually praised Eck's writings.

Thus, Cellarius could scarcely believe that the writing appearing under Melanchthon's name could possibly be his, given Melanchthon's penchant for modesty, the letter's obvious errors, and Eck's great erudition.[107] Compared with Melanchthon's other letters, this one shows none of his elegance of language or sharpness of mind.[108] Perhaps if Melanchthon wrote it, he was not in his right mind. In any case, it is hard to imagine why the Wittenberg humanist would support Luther's Hussite arguments or his attacks on scholastics.

Perhaps even more devastating for Cellarius was Melanchthon's attack on philosophy – by which, like all humanists, he meant less metaphysics than the serious study of the humanities (such as rhetoric, history, moral philosophy, and logic) using ancient philosophers. While in his earlier writings Melanchthon, like Reuchlin, had called for a purified Aristotle (*Aristotelis restitutio*), now it appeared as if he was abandoning this call.[109] Cellarius recalled their common teacher in Tübingen, Franciscus Stadian, who had rightly avoided the Scholastics.[110] Instead, even without knowing Greek and speaking only Latin and Swabian, Stadian had used Philiponos, Pythagoras, and Plutarch,

105 See *MBW* 130 (*Tr*:265), dated 21 May 1521, which mentions that Cellarius in a now lost letter informs Melanchthon that Reuchlin no longer wants to receive letters from him.

106 *MBW* 66 (*Tr*:150, 7).

107 *MBW* 66 (*Tr*:151, 28–53). In this section of the letter, *MBW* discovered two references to Erasmus's *Adages* and one to Horace.

108 The charge of ghost-writing was not unheard of among humanists; in the *Hyperaspistes* Erasmus will accuse Melanchthon and Justus Jonas of having ghost-written Luther's *On the Bondage of the Will*. See Erasmus of Rotterdam, *Ausgewählte Schriften*, ed. Werner Welzig, vol. 4: ... *Hyperaspistes* ..., ed. Winfried Lesowsky (Darmstadt: Wissenschaftliche Buchgesellschaft, 1969), 216–19.

109 See especially *De corrigendis adulescentiae studiis* (*MSA* 3:35–36).

110 Cellarius mentions works of Peter Tartaretus [Hispanus], John Duns Scotus, Nicholas d'Orbelles (a Scotist), William of Occam, Thomas Aquinas, and Karlstadt. See *MBW* 66

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along with Plato, Plotinus, Chrysippus, and Aristotle. In addition, Cellarius wonders how Melanchthon could also abandon mathematics and music. This praise for a common teacher contrasted sharply to Melanchthon's apparent abandonment of good *philosophia* and constituted Cellarius's most trenchant (humanist) criticism of his former classmate, who had abandoned the purest sources of good learning.

Cellarius then reminds Melanchthon of his defense of Luther, Erasmus, and Reuchlin[111] against unjust attacks, and he demands that Melanchthon distance himself from these attacks on Eck. Paraphrasing an Erasmian adage to echo Eck's charge, Cellarius worried that Melanchthon might join those judging something outside their own expertise.[112] This is no better than a jackass trying to play a lyre.[113] Perhaps realizing just how harsh this letter had become, Cellarius calls to mind Platonic banquets and the true devotion shown there to describe his own motivation for upbraiding Melanchthon.[114] Melanchthon, no better than Momus, could not be satisfied with anything Eck said.[115] Melanchthon seems to imagine that he has been taken up into the third heaven like Paul and that, like Karlstadt, no labyrinth, no work of Daedalus, is beyond his comprehension. Melanchthon may know Greek literature, but that does not mean he can judge what Eck has said. Cellarius then concludes with a concatenation of classical references, ending with this convoluted plea: "Farewell again, my Philip, from Ingolstadt! Do what is worthy for a friend – what you quite certainly would have done had Martin [Luther] recently received reasonably philippic (that is, learned and friendly) letters from you."[116]

(*Tr*:152, 77–153, 85), where the works are identified, including Karlstadt's *Distinctiones sive formalitates Thomistarum* (Wittenberg: Grunenberg, 1507).

111 See *MBW* 1 (*Tr*:35–36). This would seem to be an indication that Cellarius was familiar with Melanchthon's praise of the three in the preface to his *De rhetorica libri tres* (Wittenberg: Grunenberg, 1519). See *MBW* 40 (*Tr*:99–103, here 101, 43–48), dated January 1519.

112 *MBW* 66 (*Tr*:154, 136). Cf. Erasmus, *Adages*, 1.6.16: "*extra suam crepidam*" ([let the cobbler not go] outside his last).

113 Erasmus, *Adages*, 1.4.35 [correcting *MBW* 66 [*Tr*:154, n. to line 137].

114 *MBW* 66 (*Tr*:154, 143).

115 *MBW* 66 (*Tr*:155, 153–56). In the note to line 154, *MBW* identifies the reference to Momus with Erasmus, *Adages* 1.5.74, and notes that the Augsburg printing of the letters of Melanchthon and Eck included a preface (by Oecolampadius?) that referred to Momus's complaint that Vulcan had not created the human being with an opening into the soul. See *Lypsicae disputationis epitome: cum defensione D. Eccii adversus Melanchthonem et Melanchthonis modestiss. responsione* ([Augsburg: Grimm & Wirsung], 1519). This would indicate a somewhat later date for Cellarius's letter, perhaps from September.

116 *MBW* 66 (*Tr*:156, 203–157, 210).

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5 Concluding Comments

It is easy to forget just how important the form of Renaissance and Reformation arguments were to their original readers. When that happens, then Melanchthon's, Eck's, and Cellarius's comments become simply rich veins for mining historical facts. But the theological disputes of the sixteenth century won the hearts of their hearers not merely by their logical but also by their rhetorical power. Nowhere is that clearer than in Melanchthon's masterful account of the debates at Leipzig. Written by a humanist for humanists (beginning with Johannes Oecolampadius in Augsburg), Melanchthon's terse account sketched a humanist hero (Luther) withstanding the onslaught of a failed scholastic master clever enough to suck even another Wittenberg divine (Karlstadt) into arguing with him on his own terms. The weaknesses in Luther's actual debate pale in the bright light of his sincerity and commitment to a humanist reading of Scripture by going *ad fontes*. In light of Melanchthon's humanist *tour de force*, Eck's response shows just how bound the south German theologian was to late-medieval scholastic method. Even Cellarius's more humanistic approach could not finally rescue the debate but rather highlighted Melanchthon's (and Luther's!) far better use of good letters. This flowery and failed attempt to bring Eck into the humanist orbit underscores Melanchthon's original intent, his clever defense of Luther, and the way in which both his original letter to Oecolampadius and his defense against Eck helped Luther win the debate in the realm of public opinion, assuring that at least among the younger humanists Luther would continue to find support.

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CHAPTER 8

Papalism at Stake in the Leipzig Debate

Bernward Schmidt

1 Introduction

Credant saltem Petro, qui Petri diffidant successoribus[1]

It may not have surprised skilled theologians of the early sixteenth century that the debate about Martin Luther's theses regarding indulgences from October of 1517 fairly quickly moved away from questions of grace, justification and the forgiveness of sins and into the area of ecclesiology. Nor may it have surprised them that with this move grounds were found to condemn Luther as a heretic. The grounds for this shift and the condemnations that came with it lay already in his theses on indulgences, where Luther did not really go into questions of the position of the pope in the church and of papal powers, but did notably subordinate the pope to the gospel in his seventy-eighth thesis.[2]

The influence of the Fifth Lateran Council (1512–17) on the *causa Lutheri* is not to be underestimated, for the perspectives of the decisive Roman stakeholders were shaped by it. Julius II had summoned a council in view of several cardinals and bishops splitting off with the support of France. After a phase of condemnations this council achieved a reconciliation with this Pisan group under Julius II's successor, Leo X.[3] The council was accompanied by considerable reflection on the essence and role of the papacy and councils, and to this reflection the carefully planned staging of the papacy's role in the conciliar ceremonial made a substantial contribution.[4] In any case it makes sense that adherents of the Roman curia had become sensitive to ecclesiological topics at this time and were, in part, over-emphasizing the role of the papacy. With

1 Hieronymus Emser, *De disputatione Lipsicensi, quantum ad Boemos obiter deflexa est*, ed. Franz Xaver Thurnhofer, *CCath* 4:30.

2 *WA* 1:237,13–14. The pope comes up in theses 5, 6, 20, 25, 42, 48–51, 73, 77, 84, 86, 87, and 91.

3 See especially Nelson H. Minnich, "The Healing of the Pisan Schism (1511–13)," *Annuarium Historiae Conciliorum* 16 (1984): 59–192; Olivier de la Brosse, *Latran V et Trente* (Paris: Editions de l'Orante, 1975).

4 Hermann Josef Sieben, *Traktate und Theorien zum Konzil: Vom Beginn des großen Schismas bis zum Vorabend der Reformation* (Frankfurt: Knecht, 1983), 209–80. For the ceremonial see Nelson H. Minnich and Heinrich W. Pfeiffer, "De Grassi's 'Conciliabulum' at Lateran V: The de Gargiis Woodcut of Lateran V Re-Examined," *Archivum Historiae Pontificiae* 19 (1981): 147–72.

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Luther, on the other hand, these events likely had little impact, although he was staying in Rome at the beginning of the Pisan Schism.

2 Authors Important for the Debate

In the course of Johann Eck's debate with Luther at Leipzig he refers to a series of authors from the fourteenth and fifteenth centuries, on the basis of whose works he had obviously crafted his arguments – arguments namely for the papacy and for the dispute with the Hussites, respectively.[5]

Eck mentions two authors from the period of the Avignon papacy of the fourteenth century: Alvarus Pelagius (Álvaro Pais, c. 1280–1350) and Richard FitzRalph (c. 1300–1360), who had assembled doctrinal statements about the papacy from the High Middle Ages and honed them.[6] In his *De statu et planctu ecclesiae*, Alvarus Pelagius offered a comprehensive but rather hackneyed compendium of the papal theory, which consisted of much borrowed material, especially from James of Viterbo's *De regimine Christiano*.[7] Richard FitzRalph, on the other hand, had authored his tractate for the conversation with the Armenian church; for this reason he argued strictly on the basis of the Bible.[8] Given that the disputants of the Leipzig Debate had agreed to prioritize Scripture in their arguments,[9] FitzRalph especially may have been of interest for Eck, who was certainly familiar with the 1512 Parisian edition of his work.[10] Luther, on the other hand, was evidently not familiar with him.[11]

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5 *WA* 59:454,681–82, 694–95 (William of Ockham may serve here merely as a negative example); 59:472,1226–29.

6 Joëlle Rollo-Koster, *Avignon and Its Papacy, 1309–1417: Popes, Institutions, and Society* (Lanham, MD: Rowman & Littlefield, 2015).

7 Jürgen Miethke, *Politiktheorie im Mittelalter: Von Thomas von Aquin bis Wilhelm von Ockham* (Tübingen: Mohr Siebeck, 2008), 177–83.

8 Katherine Walsh, *A Fourteenth-century Scholar and Primate: Richard FitzRalph in Oxford, Avignon and Armagh* (Oxford: Clarendon, 1981); Michael J. Haren, "Richard FitzRalph and the Friars: The Intellectual Itinerary of a Curial Controversialist," in *Roma magistra mundi*, ed. Jacqueline Hamesse (Louvain-la-neuve: Fédération Internat. des Instituts d'Études Médiévales, 1998), 349–67; Michael W. Dunne, ed., *Richard FitzRalph: His Life, Times and Thought* (Dublin: Four Courts Press, 2013).

9 In his *Protestatio* Karlstadt stated: "Sacris autem scripturis hunc honorem impendimus, quod nihil sine his aut asserere aut praecipere volumus. In caeteris autem, quae non liquide hinc doceri possunt, solis ecclesiasticis primas damus." *WA* 59:433,25–27.

10 Richard FitzRalph, *Summa Domini Armacani in Questionibus Armenorum noviter impressa et correcta a magistro nostro Iohanne Sudoris* (Paris: Poncet LePreux, 1512); see *WA* 59:454,695. Moreover, Eck already knew Luther's argument concerning the Greek church: *WA* 2:236.

11 *WA* 59:457,776: Luther calls him an "*obscurus auctor*."

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The impulses of the fourteenth century were also taken up by the Spanish Dominican Juan de Torquemada (1388–1468),[12] whose *Summa de ecclesia* was the most influential papalist tractate before the Council of Trent.[13] In this work, which contained an outstanding compilation of sources and arguments, Torquemada offered a hefty delineation of the papal theory that was directed chiefly against the conciliarism of the Council of Basel (1431–49).[14] For both Eck and Luther, Torquemada's reference work may have been the most important.

Intriguingly, Eck cited none of the authors who wrote in the context of the Fifth Lateran Council and who again took up fundamental questions of the fifteenth century. Nonetheless, Domenico Jacobazzi (1444–1528), Thomas de Vio Cajetan (1469–1534), and Silvestro Mazzolini – known as Prierias (1456–1527) belong, for example, to the theological context of the Leipzig Debate. It is possible that Eck was familiar with Cajetan's writings from the Cologne editions of 1512 and 1514,[15] especially since he corresponded with the Cologne Dominican Jakob Hoogstraeten.[16]

Unlike Jacobazzi, Cajetan focused on the pope in his writings, where he especially examined the question of how far a pope could be restricted by the authority of a council.[17] As a result of the *causa Lutheri*, Eck once more sum-

12 For Torquemada, see Thomas M. Izbicki, *Protector of the Faith: Cardinal Johannes de Turrecremata and the Defense of the Institutional Church* (Washington, DC: Catholic University of America Press, 1981); Thomas M. Izbicki, "Papalist Reaction to the Council of Constance: Juan de Torquemada to the Present," *Church History* 55 (1986): 7–20; Ulrich Horst, *Juan de Torquemada und Thomas de Vio Cajetan. Zwei Protagonisten der päpstlichen Gewaltenfülle* (Berlin: Akademie Verlag, 2012), 51–110.

13 Juan de Torquemada, *Summa de ecclesia* (Lyons: Trechsel, 1496; Venice: Tramezzino, 1561). See also *John of Torquemada: The Antiquity of the Church*, annotated by William E. Maguire (Washington, D.C.: Catholic University of America Press, 1957).

14 For Pope Eugenius IV see Morimichi Watanabe, "Pope Eugenius IV, the Conciliar Movement, and the Primacy of Rome," in *The Church, the Councils and Reform: The Legacy of the Fifteenth Century*, ed. Gerald Christianson, et al. (Washington: Catholic University of America Press, 2008), 177–93; Michiel Decaluwe, *A Successful Defeat: Eugene IV's Struggle with the Council of Basel for Ultimate Authority in the Church, 1431–1449* (Brussels/Rome: Belgian Historical Institute of Rome, 2009).

15 Thomas de Vio Cajetan, *De comparatione auctoritatis papae et concilii seu ecclesiae universalis* (Cologne: Quentel, 1512); Cajetan, *Apologia de comparata auctoritate Papae et ecclesiae* (Cologne: Quentel, 1514).

16 An extant letter from July 24, 1519, in which Eck gives a report of the disputation in Leipzig, seems to suggest this possibility; cf. the online edition by Vinzenz Pfnür und Peter Fabisch, Nr. 91, http://ivv7srv15.uni-muenster.de/mnkg/pfnuer/Eckbriefe/No91.html (accessed July 18, 2019).

17 Horst, *Torquemada und Cajetan*, 111–64; Francis Oakley, *The Conciliarist Tradition: Constitutionalism in the Catholic Church, 1300–1870* (Oxford: University Press, 2003), 111–40. Translations: James H. Burns and Thomas M. Izbicki, eds., *Conciliarism and Papalism*, Cambridge Texts in the History of Political Thought (Cambridge: CUP, 1997).

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marized his opinions on the papacy in 1521.[18] Silvester Prierias had already weighed in on both indulgences and ecclesiology in his *Summa summarum quae Sylvestrina dicitur* (written 1505–1515).[19] Not least by way of his *Dialogus de potestate papae* was Prierias involved in shifting the debate surrounding Luther to the field of ecclesiology and holding a stilted understanding of the papacy up against him.[20]

3 On the Way to Leipzig

At the time that the Wittenberg professor's theses on indulgences were printed, Luther's contemporaries – especially in Rome – were fully conversant with ecclesiological questions. Luther too had already occupied himself with fundamental ecclesiological questions as part of his lecture on Psalms – approaching them, albeit, entirely within the framework of the doctrine of justification.[21] Christ as head of the body, i.e. of the church, stood less for Luther as a picture of how the church was governed than as a picture of the connection between Christ and believers, according to which Christ took their sins away and gave them his righteousness. The foundation on which the body of Christ stands and on which the doctrine of justification depends is faith. Next to this foundation a structure of doctrinal and disciplinary authority and obedience are also necessary in order to maintain the church in faith and in its proper order. On the basis of these fundamental convictions one can understand why Luther in his seventy-eighth thesis on indulgences writes that the gospel has more power to heal than papal indulgences. This concept was rather untouched by the ecclesiological reference works at Eck's disposal,

18 Thomas de Vio Cajetan, *De divina institutione pontificatus Romani pontificis*, ed. Friedrich Lauchert, *CCath* 10.

19 Michael Tavuzzi, *Prierias: The Life and Works of Silvestro Mazzolini Da Prierio, 1456–1527* (Durham, NC: Duke University Press, 1997); Simona Feci, "Mazzolini, Silvestro," in *Dizionario Biografico degli Italiani* 72 (2008), http://www.treccani.it/enciclopedia/silvestro-mazzolini_(Dizionario-Biografico) (accessed July 18, 2019).

20 Ulrich Horst, "Konziliarismus und Papalismus im Widerstreit," in *Ekklesiologische Alternativen? Monarchischer Papat und Formen kollegialer Kirchenleitung (15.–20. Jahrhundert)*, ed. Bernward Schmidt and Hubert Wolf (Münster: Rhema, 2013), 55–76.

21 Klaus Unterburger, *Unter dem Gegensatz verborgen: Tradition und Innovation in der Auseinandersetzung des jungen Martin Luther mit seinen theologischen Gegnern* (Münster: Aschendorff, 2015), 41–47; Scott H. Hendrix, *Ecclesia in Via: Ecclesiological Developments in the Medieval Psalms Exegesis and the Dictata super Psalterium (1513–1515) of Martin Luther* (Leiden: Brill, 1974) 155–215; Jos Vercruysse, *Fidelis populus* (Wiesbaden: Steiner, 1968), 82–96.

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dominated as they were by canon law. However, in no way did this lead Luther to reject the papacy.[22]

Eck was, for his part, not the fervent sort of papalist one had in Prierias or Cajetan.[23] In his *Chrysopassus* of 1514, Eck rejected as improper the notion that the pope was a being who stood between God and man, which had been formulated already by Innocent III (1198–1216).[24] His reservation in matters pertaining to the papacy in the *Obelisci* of 1518 were, on the other hand, appropriate: where he accused Luther of "spreading the Bohemian virus," he referred not to the structure of the church, but to the distinction between *communio sanctorum* and *bonorum participatio* along with themes belonging to the intersection of justification and eschatology. Elsewhere he judged Luther's position as "irreverence toward the supreme pontiff" and as derogatory toward the office of the pope.[25] Since his objective in the *Obelisci* was only to give a short assessment of Luther's position, Eck hinted at his own stance.

For this reason, it seems a bit unexpected and random that Eck focused on the origins of papal primacy in the twelfth (later thirteenth) thesis published before the debate. There he claimed that the Roman church had at all times been superior to the other churches.[26] Eck was here, however, responding directly to something Luther had written in his *Resolutiones disputationum de indulgentiarum virtute* of 1518. There Luther had dated the Roman primacy to the time after Gregory I (590–604); prior to this, he claimed, the Roman bishop had been on par with the other bishops in a collegial fashion.[27] After Luther found out about Eck's thesis through Willibald Pirckheimer,[28] he sharpened this statement in his antitheses and claimed that the Roman primacy first

22 Kurt-Victor Selge, "Die Leipziger Disputation zwischen Luther und Eck," *Zeitschrift für Kirchengeschichte* 86 (1975): 26–40, at 30.

23 Heiko A. Oberman, "Wittenbergs Zweifrontenkrieg gegen Prierias und Eck: Hintergrund und Entscheidungen des Jahres 1518," *Zeitschrift für Kirchengeschichte* 80 (1969): 331–58, at 344; Remigius Bäumer, "Die Ekklesiologie des Johannes Eck," in *Johannes Eck (1486–1543) im Streit der Jahrhunderte*, ed. Erwin Iserloh (Münster: Aschendorff, 1988), 129–54.

24 Eck may have known the formulation from the version of Alvarus Pelagius, who repeatedly described the pope as "*non homo simpliciter sed quasi Deus in terris*"; see Michael Wilks, *The Problem of Sovereignty in the Later Middle Ages: The Papal Monarchy with Augustinus Triumphus and the Publicists* (Cambridge: Cambridge University Press, 1963), 167.

25 "*Derogativa*" especially in view of Luther's seventy-eighth thesis on indulgences. Peter Fabisch and Erwin Iserloh, eds., *Dokumente zur Causa Lutheri (1517–1521)*, 2 vols., *CCath* 41–42, 1:431, 435 and 444.

26 Fabisch and Iserloh, *Dokumente*, 2:253: "Romanam ecclesiam non fuisse superiorem aliis ecclesiis ante tempora Sylvestri negamus. Sed eum qui sedem beatissimi Petri habuit et fidem sucessorem Petri et vicarium Christi generalem semper agnovimus."

27 *WA* 1:571.

28 Luther to Johannes Sylvius Egranus, 2 February 1519, *WA Br* 1:313–14 (Nr. 140).

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came into existence in canon law after the turn of the millennium.[29] Already before the disputation Luther elaborately substantiated his position in his *Resolutio super propositione decima tertia de potestate papae*, which he went on to publish a second time in an extended version after the disputation was over.[30] Most often in his contributions to the debate Luther was repeating statements of the *Resolutio*.[31]

Since the city of Leipzig lay in Albertine Saxony, where Duke George had for the most part ruled since 1488, a peek into the disputation's ecclesio-political context might be useful. Duke George was, on the one hand, very interested in positive contacts with the Roman curia, especially since he was looking to obtain privileges for the mining town of Annaberg on the Bohemian border as well as the canonization of Bishop Benno of Meißen (c. 1010–1106). However, when it came to indulgences he set store by territorial independence. He was, for example, skeptical of John Tetzel's preaching, in part for fundamental theological reasons (George was a follower of Erasmus and shaped by his *Enchiridion*), and in part on financial grounds, for he could not approve of this flow of capital out of his territory.[32] Bishop Adolf of Merseburg could not assert his reservations about the disputation against George's resolute posture. Whether Adolf's concern that the disputation could become a forum for the voicing of anti-papal sentiments[33] can be tied to a reading of Luther's *Resolutio* cannot be determined.[34]

29 Fabisch and Iserloh, *Dokumente*, 2:257: "Romanam ecclesiam esse omnibus aliis superiorem, probatur ex frigidissimis Romanorum Pontificum decretis intra cccc annos natis, contra quae sunt historiae approbatae Mc annorum, textus scripturae divinae et decretum Niceni Concilii omnium sacratissimi."

30 *WA* 2:183–240.

31 Leif Grane, *Martinus Noster: Luther in the German Reform Movement 1518–1521* (Mainz: von Zabern, 1994), 89.

32 Heiko Jadatz, "Herzog Georg von Sachsen und die Leipziger Disputation," in *Die Leipziger Disputation 1519*, ed. Markus Hein and Armin Kohnle (Leipzig: Leipziger Verlagsanstalt, 2011), 73–86. See also the essential overview of George's religious politics: Christoph Volkmar, *Reform statt Reformation: Die Kirchenpolitik Herzog Georgs von Sachsen 1488–1525* (Tübingen: Mohr Siebeck, 2008). For the European context see Götz-Rüdiger Tewes, *Die römische Kurie und die europäischen Länder am Vorabend der Reformation* (Tübingen: Niemeyer, 2001).

33 Felician Gess, ed., *Akten und Briefe zur Kirchenpolitik Herzog Georgs von Sachsen, vol. 1: 1517–1522* (Leipzig: Teubner, 1905), 54–55, no. 69.

34 Markus Cottin, "Der Merseburger Bischof Adolf und die Leipziger Disputation: Überlegungen zu Möglichkeiten und Grenzen kirchenpolitischen Handelns des Bischofs in Bistum und Hochstift," in Hein and Kohnle, *Die Leipziger Disputation*, 107–16.

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4 Papalism at Stake

The Leipzig Debate proceeded according to a system of rules handed down from the Middle Ages. This system clearly allotted roles and defined the means of making arguments and thereby also the means of discovering the truth. Luther and Eck knew this system well.[35] In Leipzig the role of respondent fell to Luther, so he chose the theses that would be debated. As opponent, on the other hand, Eck spoke first and could freely develop his arguments. So Luther was only permitted to answer Eck within the structure that Eck set forth but not to develop his own arguments. On the evening before the debate began Luther selected Eck's thirteenth thesis for debate, choosing a topic for which he was well prepared through his previous work on his *Resolutio*. Eck's counter-thesis (the *principale*) was formulated in kind: "A monarchy and singular sovereignty exists in the church of God by divine right and Christ's institution, which is why the text of Holy Scripture and the common understanding of history do not oppose it."[36] In the disputation that developed out from this point, Eck first presented a series of arguments, to which Luther then had to respond fully, in the same order.[37] This procedure makes the disputation quite confusing. Thus, in what follows, we will not trace the course of the disputation; rather we will take up some central issues and analyze them.

4.1 *Methodological Principles and Authorities*

According to the rules of late-medieval disputation, an argument could be made by citing a recognized authority or by reasoning to a conclusion. Naturally, the legitimacy of the authorities could always be called into question.[38] As is generally known, the question of authorities dominated the debate surrounding Luther's theology since 1518, not least in his dispute with Cajetan in the autumn of that year. According to his own report, he had placed Holy Scripture above canon law and papal statements. Where these contradicted the text of the Bible, Scripture must be given precedence.[39] Volker

35 Anselm Schubert, "Libertas Disputandi: Luther und die Leipziger Disputation als akademisches Streitgespräch," *Zeitschrift für Theologie und Kirche* 4 (2008): 411–42.

36 *WA* 59:435,72–74: "Monarchia et unus principatus in ecclesia dei est de iure divino et a Christo institutus, quare textus sacrae scripturae vel historiae approbatae ei non adversantur." For the context see Grane, *Martinus Noster*, 50–57. A closer look at the "divine right" is given by Unterburger, *Unter dem Gegensatz*, 96–99.

37 The "*transeo*," which Luther often used, can be seen as an exception to this rule; an argument of the opponent was thereby passed over and simultaneously accepted. Cf. Schubert, "Libertas disputandi," 431.

38 Schubert, "Libertas disputandi," 417.

39 *WA* 2:8,1–9: "Respondi tunc, mihi non solum istam Clementis esse diligenter visam, sed et alteram eius emulam et analogam Sixti quarti […], verum non habuisse eam apud me satis auctoritatis, cum aliis multis tum ea maxime causa, quod scripturis sanctis abutitur

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Leppin has drawn attention to the fact that, in the context of late-medieval debates about the doctrine of transubstantiation, there was a difference between doctrinal decisions and the text of the Bible. However, a truly explosive force lay in the fact that these two were now being presented in opposition, as contradicting one another.[40]

Also at Leipzig Luther argued for the priority of Scripture to all other authorities, though here his statements grew more radical in the course of the debate.[41] Already in his *Resolution* to Eck's thirteenth thesis Luther had argued that papal law in the decrees and decretals of the High and Late Middle Ages should be rejected,[42] frequently calling them "*frigidissima decreta*" in the course of the debate. In a subsequent step he subordinates theological authorities to Scripture, for a lesser authority should not tear him away from a higher authority – an argument used to respond to Jerome. Or he simply contends that a clear text has priority over an obscure author – an argument used to respond to Richard FitzRalph.[43] From here it is only a small step to his next statement, namely that Scripture is generally superior to all human authorities, and thereby also to the pope and the councils, since human beings are fundamentally fallible. What they have to say may first be accepted after being tested in the sense of 1 Thessalonians 5:21: "Test everything and hold fast what is good."[44]

As far as a theological hermeneutic goes, Luther turns with these statements to a method of ranking authorities, thereby coming to a conclusion in the discussion of arguments which had been common since scholasticism. Incidentally, the basic priority of Scripture had already been voiced in a somewhat milder form in Karlstadt's *protestatio* at the beginning of the disputation.

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et verba (si modo sensus usitatus subsistere debet) audacius torquet in alienum sensum, quem suo loco non habent, immo contrarium habent. Ideo scripturas, quas ego in propositione mea sequor, esse ei praeferendas omnino."

40 Volker Leppin, "Papst, Konzil und Kirchenväter: Die Autoritätenfrage in der Leipziger Disputation," in Hein and Kohnle, *Die Leipziger Disputation 1519*, 117–24, esp. 119.

41 Grane, *Martinus Noster*, 68: "The horror lies in the distortion of the Scriptures."

42 Luther chiefly appeals to the canon law of Gratian's *Decretum*; see *WA* 2:204–05 and 226–27. Regarding his conflict with canon law see also Unterburger, *Unter dem Gegensatz*, 94–109.

43 *WA* 59:445,397–98: "Non patior propter minorem auctoritatem inductam me divelli a maiore, nec tantus est Hieronymus ut propter eum Paulum deseramus." *WA* 59:457,776: "Quicquid sit de Amarcano [sic!], praevalet clarissimus textus obscuro auctori…."

44 *WA* 59:480,1473–75: "Romanus pontifex et concilia sunt homines, ergo probandi sunt et sic tenendi, nec eximendi ab hac regula apostolica." Just how much Luther misses the conciliar theory of his day – likely out of ignorance – becomes clear in more specific analysis of conciliar ceremony; cf. Bernward Schmidt, "Synodus in Spiritu sancto legitime congregata: Zur Liturgie konziliarer Sessionen im Spätmittelalter," in *Gottes Werk und Adams Beitrag: Formen der Interaktion zwischen Mensch und Gott im Mittelalter*, ed. Thomas Honegger, Gerlinde Huber-Rebenich, and Volker Leppin (Berlin: Akademie Verlag, 2014), 298–310.

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Luther explicitly subscribes to this priority: he wishes to claim and teach nothing without Scripture, and then only in those places where the truth cannot without doubt be deduced from Scripture does he wish to turn to ecclesial authorities.[45]

Of all people, it is one of Luther's early opponents who exhibits methodological affinities to Luther. Cajetan intentionally constructed his argumentation on the Bible, for he wished to demonstrate the theological foundations of the papacy and not simply its juridical underpinnings. As a dedicated Thomist, he interpreted passages of the Bible in conventional scholastic fashion and referenced theological authorities as well as those of canon law in his line of thought. However, already in 1512 and even more in his later reply to Luther, Cajetan put significant stock in argumentation based on Scripture.[46] In this regard he was, for the most part, united with his fellow Dominican, Juan de Torquemada, who also held the Scriptures in high regard. Torquemada, however, also regarded various levels of apostolic traditions outside of Scripture, as well as the teaching office of the councils, as sources of theology.[47]

In 1518, in the second and third *fundamentum* of his *Dialogus de potestate papae*, Prierias had taken an extreme papalist position that was rather at odds with Luther's. He held that when a pope does what is within his powers to recognize the truth and then comes to a decision, his decision does not err. Further, he held that anyone who does not adhere to the Roman Church and the Roman pope as an infallible rule of faith, from which even Holy Scripture received its power and authority, is a heretic.[48] In this regard he followed and sharpened the line already indicated by Torquemada.[49]

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45 *WA* 59:433,25–27: "Sacris autem scripturis hunc honorem impendimus, quod nihil sine his aut asserere aut praecipere volumus. In caeteris autem, quae non liquide hinc doceri possunt, solis ecclesiasticis primas damus." Luther's *protestatio*: *WA* 59:434,40–49. With this Karlstadt is holding to Gratian's *Decretum* at dist. 9, c.8, or causa 25, q.1, c.8, where Holy Scripture is given priority to episcopal statements and things are regulated such that the pope can determine nothing against Holy Scripture; see Emil Friedberg, ed., *Corpus Iuris Canonici*, 2 vols. (Leipzig: Tauschnitz, 1879), 1:18 and 1:1009.

46 Horst, *Torquemada und Cajetan*, 114 and 164.

47 Izbicki, *Ecclesiology*, 146–57.

48 Fabisch and Iserloh, *Dokumente*, 1:54–55: "Sicut ecclesia universalis non potest errare determinando de fide aut moribus, ita et verum concilium […] et similiter nec ecclesia Romana, nec pontifex summus determinans ea ratione, qua pontifex, id est, ex officio suo pronuncians, et faciens quod in se est, ut intelligat veritatem. […] Quicunque non innititur doctrine Romane ecclesie, ac Romani pontificis, tanquam regule fidei infallibili, a qua etiam sacra scriptura robur trahit et auctoritatem, hereticus est." See also Oberman, "Wittenbergs Zweifrontenkrieg," 340–42; Remigius Bäumer, "Die Lehrunterschiede zwischen Alt- und Neugläubigen im Urteil katholischer Theologen am Vorabend des Augsburger Reichstags," in *Confessio Augustana und Confutatio: Der Augsburger Reichstag 1530 und die Einheit der Kirche*, ed. Erwin Iserloh (Münster: Aschendorff, 1980), 190–92.

49 Horst, *Torquemada und Cajetan*, 177–78; Horst, "Konziliarismus und Papalismus," 64–65.

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In the Leipzig Debate Eck shows himself less radical than Prierias, especially since he generally agrees with Luther's hierarchy of authorities, albeit with an important modification. By certifying that the church father Jerome had a correct understanding of the passage from Paul then being disputed (1 Cor 1:10–12 and 3:4–5) and shortly thereafter rejecting the notion that the fathers used Scripture only as rhetorical adornment, Eck indicated his basic hermeneutical concept.[50] In his *protestatio* at the beginning of the debate, Eck had, unlike Karlstadt, promised to assert nothing against Scripture and the church and to submit his opinions to the verdict of the judges, on whom the disputants had agreed, and to that of the apostolic see.[51] As he puts Scripture on par with the church and the church on par with Scripture, Eck reveals how he fundamentally conceives of this relationship: neither contradicts the other; through the church's interpretation Scripture is explained and receives its relevance for the present. Additionally, through the exegesis of the fathers, among whom Eck numbers not only the theologians of antiquity but also Bernard of Clairvaux, a space for interpreting Scripture is created. This space can be described as the overarching consent of the church. As a result, Eck holds that Scripture is not to be interpreted according to one's own discretion, but within this consensus.[52] With Eck, this consensus has both a hermeneutical and an ecclesiological dimension: as a hermeneutical norm it serves in testing arguments; in ecclesiological regard it helps determine the theological boundaries of the church. The inseparability of both dimensions is a part of Eck's strategy in the Leipzig Disputation. In this fashion he both supports his interpretation of New Testament passages that indicate papal primacy and shows a dividing line with Wycliffe and Hus.[53] Against this backdrop it also becomes clear why Eck drew in such a wealth of proofs from the theological tradition; this was less about slaying his opponents with material than about demonstrating this theological consensus in as comprehensive a fashion as possible. Subsequent to the debate this is precisely the project he undertook in his large-scale work *De primatu*

50 *WA* 59:450,566–77: "Et quamquam merito Paulum praeferat Hieronymo, pie tamen credendum est Hieronymum eo loco sententiam Pauli bene intellexisse. […] Sed quod reverendus pater arbitratur sanctos patres sanctam induxisse scripturam locupletandae orationis gratia, respuimus: quoniam talem ostentationem de eis suspicari non licet."

51 *WA* 59:433,32–434,38.

52 *WA* 59:502,2140–41; 520,2700–19. See also Grane, *Martinus Noster*, 95.

53 *WA* 59:460,862–63: "Ita omnes consentiunt sancti Petrum a Christo primatum totius ecclesiae obtinuisse." *WA* 59:461,894–98: "Ita longa serie incipiendo a primitiva ecclesia semper in confesso fuit apud bonos christianos ecclesiam Romanam obtinuisse primatum a Christo, non iure humano et populi consensu. Fateor, quod Bohemi in suorum errorum pertinaci defensione illa commemorant et his armis virulentis se defendunt…." See also *WA* 59:506,2257–58.

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Petri (1521).[54] By interlocking the question of authority with ecclesiology Eck was drawing out the consequences of his basic hermeneutical conviction. For if Scripture could only be interpreted within a consensus defined by the fathers and the church's teaching authority, then this rule might be valid not only for disputations about theory, but must also have practical implications for the present reality of the church. The primary and fundamental difference between Luther and Eck was thus less of an ecclesiological nature and had more to do with biblical hermeneutics.[55]

4.2 *St. Peter and the Apostles*

The terrain for the debate got marked out not only by Luther's selection of the thirteenth thesis but also by his sermon on the Feast of the Apostles Peter and Paul (June 29, 1519), which caused quite a stir. Luther preached on the Gospel lesson appointed for the day, Matthew 16:13–19,[56] and in a letter Eck was already condemning Luther's opinions as "completely Bohemian."[57] With Luther's sermon a central passage from Scripture had indeed been pulled into focus, which was supposed to prove the primacy of Peter on the basis of his confession and of Christ's subsequent giving of the keys. In doing so Luther had already touched on what would be the chief argument for both disputants. Previously, in his *Resolutio*, Luther had not wanted to cast doubt on the legitimacy of papal primacy, but instead to test the soundness of the proofs being offered for it. He followed this same line in Leipzig, not least because Eck there claimed in his *principale argumentum* that papal primacy was based on divine right.

As a proof-text from the Bible this pericope from Matthew 16 is central, next to which stands John 21:15–17. In the papal tradition both passages were assessed as stages of Peter's call into the papal office. Some verses from Paul's writings also played an essential role, especially 1 Corinthians and the second chapter of Galatians, where some believed an original equality among the

54 *WA* 59:494,1877–84: "Et hoc ius divinum esse intelligendum – tunc adduxi sanctos patres, sanctos summos pontifices et martyres, consensum conciliorum et omnium universitatum. Quare ex iure divino probatum est esse primatum in ecclesia, nisi quod reverendus pater intelligentiam suam praeponit intellectui tot sanctorum patrum, summorum pontificum et sacri concilii…." Cf. Johannes Eck, *De primatu Petri adversus Ludderum libri tres* (Paris: Jehan Rerver, 1521), lib. II, c. 1–24.

55 Selge, *Leipziger Disputation*, 32–34.

56 *WA* 2:240–49. An overview of Luther's exegesis on the passages from Matthew and John is given by Grane, *Martinus Noster*, 59–61.

57 Eck to Hoogstraeten, on July 24, 1519: *WA Br* 1:428 (suppl. to Nr. 187); see also Bäumer, "Ekklesiologie," 141.

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apostles could be found. In what follows a few questions will be sketched out, which were disputed on the basis of these passages at Leipzig.

The first question Luther raised had to do with what exactly was meant by the "rock" (*petra*) in Matthew 16:19, on which Christ would build his church. Was it the authority (*potestas*) of Peter, or was it, as Luther preferred to interpret, the faith of Peter or Christ himself, whom Peter had recognized as the Messiah?[58] By not identifying the foundations of the church with Peter's person, Luther had the advantage of being able to separate two instances in which Peter did not hold up as an example of faith from the question of the church's foundation by ascribing them simply to Peter's person. One of these was Peter's denial of Jesus (Mt 26:69–75 and parallels) and the other was his conflict with Paul in Antioch (Gal 2:11–21).[59] The debate about the interpretation of this *petra* also turned simultaneously on Augustine's interpretation of the passage; finally Luther and Eck admitted to each other that, according in an Augustinian understanding, both interpretations are legitimate.[60]

Despite this superficial agreement Eck did not accept Luther's interpretation without reservation. Instead he brought the relationship between Matthew 16 and John 21 to bear, which he interpreted as a promise followed by a fulfillment: with the future form of the verb "will build" (*aedificabo*) in Mt 16:18 Jesus promised to build the church on the foundation of Peter; this then the risen Christ honors when he gives Peter the charge to feed his sheep (Jn 21:15–17).[61] Considered in this way Peter's denial of Christ to the servant girls (Mt 26:69–72) took place at a time when he had the primacy in view, but it had not yet been given to him.[62] However, precisely this fulfillment of Christ's promise in the charge, "Feed my sheep," which Cajetan – for example – understood as the institution of papal primacy, could have been debated in Leipzig.[63] For

58 WA 59:456,754–457,764; 476,1356–69. Unterburger, *Unter dem Gegensatz*, 103, shows that in this Luther is following ancient theological tradition of Alexandria.

59 *WA* 59: 465,1010–12 (Luther): "Alioquin si Petrus esset fundamentum ecclesiae, lapsa fuisset ecclesia ad unius ancillae ostiariae vocem, quam tamen nec portae inferorum expugnare potuerunt."

60 *WA* 59:486,1651–59.

61 *WA* 59:470,1186–471,1195; 486,1662–69.

62 Explicitly in chapter 3 of Johannes Eck, *Enchiridion locorum communium adversus Lutherum et alios hostes ecclesiae (1525–1543)*, ed. Pierre Fraenkel, *CCath* 34:56.

63 Horst, *Torquemada und Cajetan*, 170. Unlike in the Leipzig Debate, John 21 is treated by Torquemada and especially by Cajetan as the central evidence for papal primacy; cf. Horst, *Torquemada und Cajetan*, 52, 170; cf. Thomas M. Izbicki, "The Revival of Papalism in the Council of Basel," in *A Companion to the Council of Basel*, ed. Michiel Decaluwé, Thomas M. Izbicki, and Gerald Christianson (Leiden: Brill, 2017), 156. See also the discussion in FitzRalph, *Summa*, lib. VII, cap. 4.

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Luther wished to understand Christ's charge as a task and service, not as the substantiation of a higher rank or of privileges.[64] Additionally he held that a primacy substantiated by this passage would be a rather uncertain affair, for the one having it would be bound to the love of Christ as a necessary condition for it. The consequence then suggests itself that if the one holding this office did not so love him, the primacy could also be taken away from him.[65] To that Eck only responded by saying that Peter's (and the pope's) responsibility to love God did not directly rule out this primacy.[66]

The second question opened here went back to a patristic exegesis of Mt 16: given that Peter confessed the faith in a way as speaker of the apostles, were the keys to the kingdom of heaven likewise given to him as a representative of all? Luther, who at Leipzig holds this interpretation, has for it the support of Augustine, Ambrose, Jerome, Origen, and Bede.[67] In addition, Christ's statement about building "my church" on this rock is to be understood in regard to the whole church, and not as being about the pre-eminence of a given local church.[68] Pointing to the *Glossa ordinaria*, Eck, on the other hand, claimed the exclusivity of Peter.[69] The two opponents here carried on a debate which is often found in late-medieval ecclesiology.[70]

For Juan de Torquemada, for example, Luther's understanding of Peter as coequal representative of the apostles in the sense of a speaker would have been the beginning of conciliarism. Over against this he presented his interpretation of the pope, who acts as a legate of Christ and not as an agent of the church, and who also does not represent all members of the church but only the prelates.[71] Just as Torquemada, so also Cajetan after him assumes a necessary hierarchical structure of the church, in which the highest authority or mediating role between God and human beings should be accorded to

64 Already thus in the *Resolutio*; *WA* 2:194–95.

65 *WA* 59:497,1987–499,2055. Cf. Grane, *Martinus Noster*, 65–66 and 108.

66 *WA* 59:506,2270–507,2278.

67 Alvarus Pelagius offered an extensive summary of possibilities for interpreting Mt 16: see his *De statu et planctu ecclesiae*, c. 55, in Bibliotheca maxima pontificia, vol. 3, ed. Juan Tomás de Rocaberti (Rome: Buagni, 1698), 140–50.

68 *WA* 59:495,1919–26. Cf. Unterburger, *Unter dem Gegensatz*, 101–02. A passage from Augustine had become the *locus classicus* for understanding Peter *in figura ecclesiae*: *In evangelium Ioannis tractatus* 124,5. In his *Resolutio* Luther went even further and ascribed the confession not to the person of Peter, but to the hearer of God's word, combining the confession with the role that faith plays in Romans and Galatians; *WA* 2:189–92.

69 *WA* 59:457,763–74.

70 *WA* 59:459,836–37. Cf. Benedikt Peter, *Der Streit um das kirchliche Amt: Die theologischen Positionen der Gegner Martin Luthers* (Mainz: von Zabern, 1995), 95–97.

71 Horst, *Torquemada und Cajetan*, 58–62.

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Peter.[72] However, Cajetan did not understand Peter as *figura ecclesiae* in the sense of representing the individual members of the church; instead he conceived of him, so to speak, as the typological origin of the church, in which all the church's essential attributes are found.[73] Consequently, the authority to govern in the church is disseminated by the pope.[74]

Against Luther Eck also pointed out the consequences of assuming a coequality of the apostles: in the present a right to approve papal decisions – especially doctrinal ones – that belonged to the whole church could be derived from this notion. This position, however, stood in opposition to the consensus of the sources.[75] Eck was thereby insinuating the proximity of Luther's position to conciliarist ideas.

One may consider the coequality of the apostles, in which Peter had certainly taken on a primacy of honor, the leitmotif of Luther's contributions to this debate. Here he supported himself especially with two passages from Paul: "God does not regard the person" (Gal 2:6), as well as statements in 1 Corinthians about the formation of groups of followers in the early congregation, in which Peter had taken on a prominent role (1 Cor 1:12 and 3:5).[76] Paul's independence also attested against a primacy of Peter for Luther, especially since Paul on at least one occasion criticized Peter and was justified in his position. Conversely Luther judged Peter's behavior as a fall from faith (apostasy).[77] Eck, on the other hand, could not accept the conflict between the two apostles as an argument against the primacy; this would only be the case if Peter had committed a deadly sin.[78] In his *Enchiridion* his argumentation was different: Paul's reprimand relates to the apostolate (*apostolatus*) but not to the authority (*potestas*) of Peter.[79] Otherwise Eck could have already been familiar

72 Horst, *Torquemada und Cajetan*, 51–52.

73 Horst, *Torquemada und Cajetan*, 120 and 169.

74 Horst, "Konziliarismus und Papalismus," 56–59. For the pope as representative of Christ, see Agostino Paravicini Bagliani, *Der Leib des Papstes. Eine Theologie der Hinfälligkeit* (München: Beck, 1997), 75.

75 *WA* 59:471,1213–19.

76 *WA* 59:455,707–24.

77 *WA* 59:477,1380–84. Cf. Grane, *Martinus Noster*, 76; Kenneth Hagen, "Did Peter Err? The Text is the Best Judge," in *Augustine, the Harvest, and Theology (1300–1650): Essays Dedicated to Heiko Augustinus Oberman in Honor of his Sixtieth Birthday*, ed. Kenneth Hagen (Leiden: Brill, 1990), 110–26.

78 *WA* 59:487,1696–1701. Jesus' prayer that Peter not fall from faith (Lk 22:32), which was an important passage in the discourse about the papacy, went for the most part unmentioned at Leipzig. Eck, however, did make up for this in 1521 in his *De primatu Petri*, lib. 1, c. 5; cf. Bäumer, "Ekklesiologie," 142.

79 Eck, *Enchiridion*, 68.

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with Luther's arguments from his reading of Richard FitzRalph's *Summa*, for FitzRalph had already assembled the passages that could be mustered against papal primacy.[80]

Further, Eck distinguished between apostolate and power to govern. Although the apostles had equal rank in relation to their apostolic office (he means by this not least their preaching), Peter had been commissioned with a special power to govern by Christ, and according to this power the remaining apostles were subordinate to him.[81] It is indeed perplexing that for this point Eck explicitly referred to Peter's second successor, Anacletus. For in doing so he was citing material from Pseudo-Isidore in Gratian's *Decretum*, which Juan de Torquemada had already recognized as fake and Luther likewise rejected as suspicious.[82] A similar mode of argumentation can also be found with Cajetan, who goes on to distinguish between a *potestas executiva* belonging to all apostles and bishops and the *auctoritas regiminis* of Peter or the pope.[83] Among the authorities to whom Eck was referring, Richard FitzRalph offered a similar differentiation and distinguished the identical *potestas ordinis* of the apostles from the *universalis potestas regiminis* that now belonged only to Peter.[84]

The final question to treat here is the one that asks about the binding of the Petrine primacy to the Roman cathedra. Luther formulated his common query out of the canonical literature of the fifteenth century: how can a Roman primacy be a matter of divine right if the congregation in Rome existed twenty years prior to the arrival of Peter in that city?[85] Eck manages this point by means of the similarly common opinion that when Peter moved from his first episcopal see in Antioch to Rome the primacy moved with him. Thus the primacy of the pope is not fundamentally dependent on a given place; decisive is the Petrine succession.[86]

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80 FitzRalph, *Summa*, lib. VII, c. 1–2; a further discussion takes place in c. 10–11.

81 *WA* 59:457,788–89: "At aequalitas illa apostolatus non praeiudicat primatui et principatui, nisi imprudenter dicatur sanctum martyrem Anacletum in eodem decreto sibi contradixisse."

82 A recent critical edition of the second letter of this "Anacletus" can be found online: http://www.pseudoisidor.mgh.de/html/teil_i.html (accessed July 18, 2019). Cf. Emil Seckel, "Pseudoisidor," in *Realencyklopädie für protestantische Theologie und Kirche*, 3rd ed. (Leipzig: Hinrichs, 1905), 16:292. Cf. Grane, *Martinus Noster*, 64. Just how much more material from Pseudo-Isidore was used in the debate would require further investigation.

83 Horst, *Torquemada und Cajetan*, 122–23.

84 FitzRalph, *Summa*, lib. VII, cap. 7.

85 *WA* 59:462,920–34; 475,1330–32.

86 *WA* 59:460,872–77. With reference to the adage, "Ubi papa, ibi ecclesia," Luther agreed that the papacy was independent of Rome: *WA* 59:497,1969–71. Eck could have taken his argumentation from FitzRalph, *Summa*, lib. VII, c. 17–18 and 24. Alvarus Pelagius

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4.3 *Papal Primacy and the Church Fathers*

A further set of questions shaped the Leipzig Debate, albeit with less striking topics. It was, however, present everywhere and had to do with how arguments for the divine right of the primacy could be supported with the aid of the church fathers. Our examination of the methodological principles involved in the debate has already shown that even questions of this nature were not without controversy.

The very question of principle, which Luther and Eck debated at the beginning of this disputation, pulls in this direction: can a sacred or theological foundation for the ecclesial hierarchy be shown or can only a profane foundation be indicated for it? Johannes Eck answered this question in the tradition of late-medieval papalism: one must conceive of the church that is visible and embattled on earth (*ecclesia militans*) analogously to the heavenly, triumphant church (*ecclesia triumphans*), as one can see from the Revelation of St John (21:2) and Dionysius the Areopagite.[87] A sermon delivered by Cajetan at the Fifth Lateran Council began with a similar conclusion. The same motif can be found with Torquemada, who – like Cajetan – hearkens back to a concise formulation of Aquinas.[88] Since Luther insisted that, in any case, Christ must be seen as the head of the church,[89] Eck sharpened and differentiated the matter further along the lines of the papalist authors, calling Christ the mystical head of the church, which did not rule out the legitimacy of the pope being its earthly head. In this way the unity of the church is not endangered.[90] Interestingly Eck was not, at this point, using the classical terminology of the canonists: *caput primarium* and *caput secundarium*. Instead he worked with *caput*

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evidences the longer and clearly more enhanced form, "corpus Christi mysticum ibi est ubi est caput, scilicet Papa" (quoted from Wilks, *Problem of Sovereignty*, 31–32), as well as the opinion that the papacy is not bound to Rome (cf. Wilks, *Problem of Sovereignty*, 402–03). For the context in medieval theology see Bagliani, *Leib des Papstes*, 72. Cajetan took a fundamentally different position; referring to Peter's move to Rome and his martyrdom there he held that the primacy was bound to the city itself; cf. Horst, *Torquemada und Cajetan*, 171.

87 *WA* 59:435,74–77; 441,267–81; 454,672–78. Cf. Karlfried Froehlich, "Pseudo-Dionysius and the Reformation of the Sixteenth Century," in *Pseudo-Dionysius: The Complete Works*, trans. Colm Luibhéid (New York: Paulist Press, 1987), 33–46.

88 Juan de Torquemada, *Summa de Ecclesia* (Venice, 1561), lib. II, c. 1, fol. 116r: "Ecclesia militans exemplata est a triumphante sive coelesti…." In this context Torquemada refers explicitly to Dionysius the Areopagite. See also Izbicki, "Revival of Papalism," 143. For Cajetan's sermon from May 17, 1512 see Giovanni Domenico Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio* (Paris: Welter, 1902), 32:719–27. The passage from Aquinas being referred to is *Summa contra gentiles*, IV, 76, nr. 4106.

89 *WA* 59:437,131–32. See also Unterburger, *Unter dem Gegensatz*, 107.

90 *WA* 59:441,251–64.

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mysticum for Christ and *aliud caput* for the pope, grounding both in a line of argument starkly oriented on Scripture. Similar to Cajetan, though under different circumstances, Eck appears to have striven for a re-theologizing of the debate about the papacy – a tendency also evident in his later work, *De primatu Petri*. In this way Eck simultaneously avoided exaggerations about the papacy, such as had been undertaken in the fourteenth century, which called the church the mystical body of the pope, who himself was the sole living embodiment of the *corpus mysticum*.[91] It was of little import for the debate when Eck later tossed in an argument based on utility, according to which the primacy guarded against schisms.[92] At most one sees here a certain awkwardness on Eck's part. Later, in his *Enchiridion*, he used a more appealing designation, *caput ministeriale*, for the pope; this head arbitrates between persons unequally gifted by the Spirit and leads them by doing so.[93]

Rejecting the typical proofs for its grounding in divine right, Martin Luther presented a surprisingly profane foundation for papal primacy against the sacred foundation thus offered by Eck. As is the case with every monarchy, papal rule also rests on the consent of the subjects – a thought starkly reminiscent of Marsilius of Padua's thoughts on rule.[94] Analogously the ecclesial hierarchy rests not on divine decree, but purely on human "custom." The term or concept of *consuetudo*, which Luther here utilizes, may not be misunderstood in the sense of something arbitrary or alterable at any given time. One must remember that already in ancient Roman law *consuetudo* was understood as a hard and fast rule whose content was to be respected as such; its status was analogous to that of written law.[95] Something similar was also true of medieval monasticism, wherein regulations for the life of the cloister that went beyond the order's rule were described as *consuetudo*.[96]

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91 Wilks, *Problem of Sovereignty*, 368.

92 *WA* 59:502,2133–49. See also Torquemada, *Summa de Ecclesia*, lib. I, c. 8, fol. 11^{v}–12^{r}, and Peter, *Streit*, 101.

93 Eck, *Enchiridion*, 54.

94 Gerson Moreno-Riaño and Cary C. Nederman, "Marsilius of Padua's Principles of Secular Politics," in *A Companion to Marsilius of Padua*, ed. Gerson Moreno-Riaño and Cary C. Nederman (Leiden: Brill, 2012), 117–38. Against this background it can hardly be coincidental that Eck referred to the condemnation of Marsilius in the course of the debate; *WA* 59:461,892.

95 Werner Flume, *Gewohnheitsrecht und römisches Recht*, Rheinisch-Westfälische Akademie der Wissenschaften, Vorträge G 201 (Opladen: Westdeutscher Verlag, 1975); Peter Kreutz, *Romidee und Rechtsbild in der Spätantike: Untersuchungen zur Ideen- und Mentalitätsgeschichte* (Münster: LIT, 2008), 56.

96 Joachim F. Angerer, "Zur Problematik der Begriffe: Regula – Consuetudo – Observanz und Orden," *Studien und Mitteilungen zur Geschichte des Benediktinerordens und seiner Zweige*

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Although Luther, in the course of the debate, did at one point reach the conclusion that the divine right of the Roman primacy cannot be derived from the historical facts,[97] he nevertheless had a lively discussion with Eck – according to the rules of the debate – about the interpretation of statements of the church fathers, especially Cyprian of Carthage and Gregory the Great.[98] The disputants singled out passages from Cyprian's letters and writings that had to do with the relationship of the Roman bishop to the other bishops. It comes as no surprise that Eck then found confirmation of the monarchical papacy with Cyprian, since the *cathedra Petri* was assigned to the *ecclesia principalis*. Cyprian functioned further as his star witness for the transfer of jurisdiction from Peter to his successors.[99] Similarly, according to Eck, one can deduce no differentiation between the primacy's honor and authority on the basis of Cyprian's works.[100] Instead, Cyprian offers a basis for the separation between the office of apostle and the primacy already indicated above.[101] Luther, on the other hand, read Cyprian's works chiefly as proofs for the equal rank of the bishops, including the Roman bishop.[102] This was especially true when it came to the elevation of bishops, which according to Cyprian took place without the involvement of Rome and any exercise of the primacy. Further, even the Apostle Peter did not ordain any further apostles, as can be seen in the case of Matthias.[103] Given what he is saying, Luther seems to have read Cyprian's letters more robustly against a backdrop of humanist source criticism than Eck did, for in their discussion Luther regularly shows himself superior when it comes to their contexts and details about them.[104]

If the debate about Cyprian had chiefly to do with whether his writings could be called upon to support the given lines of argumentation, the disputants'

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88 (1977): 312–23; Kassius Hallinger, "Consuetudo: Begriff, Formen, Forschungsgeschichte und Inhalt," in *Untersuchungen zu Kloster und Stift*, ed. Max-Plank-Institut für Geschichte (Göttingen: Vandenhoeck and Ruprecht, 1980), 140–66.

97 *WA* 59:476,1342; 494,1977–84.

98 Grane, *Martinus Noster*, 72–80. In what followed works of Jerome and Chrysostom were also taken into the debate.

99 *WA* 59:442,295–443,322. Eck's statements appear problematic inasmuch as the editors of the Weimar edition could find no letter of Cyprian that matched Eck's argumentation; cf. *WA* 59:463 n. 178.

100 *WA* 59:452,613–27. Cf. Grane, *Martinus Noster*, 96–97.

101 *WA* 59:458,795–99.

102 See Cyprian's formulation in ep. 55, 24, 2 (Corpus Christianorum Series Latina 3B:286): "Episcopatus unus, episcoporum multorum concordi numerositate diffusus."

103 *WA* 59:438,174–86; 446,433–447,464. Already FitzRalph cites this counterargument (*Summa*, lib. VII, c. 2) and refutes it (c. 20). To the foregoing history in the fourteenth century see Wilks, *Problem of Sovereignty*, 339.

104 Grane, *Martinus Noster*, 96.

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discussion of Pope Gregory I, the Great, had more to do with the way he conducted his office. Had this important church father, who stood as a normative reference for the papacy, claimed the primacy for himself or not? As one would expect, positions on the questions were opposing. Luther claimed that Gregory declined the primacy,[105] whereas Eck differentiated and admitted that Gregory did handle the primacy with reservation but had nevertheless accorded the Roman bishop the *plenitudo potestatis* in the universal church.[106] Eck added that he defended the primacy especially over against Constantinople.[107]

It is also interesting that the papal succession in Rome was not further discussed in the Leipzig Debate. In a certain sense, according to Richard FitzRalph, it belonged to the very axioms of ecclesiology that the Roman bishops were Peter's successors not only in the Roman but also in the highest and universal pontificate.[108] Juan de Torquemada had tied the succession exclusively to Rome and viewed it as *veritas catholica*, which could be deduced from Scripture and whose denial amounted to heresy.[109] Johannes Eck also occupied himself with this topic in *De primatu Petri*. According to Eck, the authority of Peter's office remained in his successors, for the office comes from God and exists continuously,[110] with the given occupants of this office being determined by election.[111] "*In Ecclesia succedit vice Christi pontifex per electionem*" – Alvarus Pelagius had reduced the matter to this elegant short form, and Juan de Torquemada viewed the matter similarly.[112]

4.4 *Papalism and Heresy*

The theological and ecclesio-political developments that followed the Council of Basel had led to papalism becoming the official Roman ecclesiology, recognized as orthodoxy. In these years conciliarism was declared heretical by Juan de Torquemada, and Pope Pius II at the very least situated it in this

105 *WA* 59:467,1093–94; cf. *WA* 2:201.

106 *WA* 59:474,1282–98. The anachronism about the *plenitudo potestatis* is most likely due to a slip on Eck's part, who is citing from memory; in Gratian's *Decretum* (C 2, q. 6, c. 11) the text in question is to be found under the name of Gregory IV (827–44).

107 *WA* 59:484,1601–07.

108 FitzRalph, *Summa*, lib. VII, c. 1; he offers arguments about the topic in lib. VII, c. 12–16.

109 Horst, *Torquemada und Cajetan*, 103.

110 Alvarus Pelagius, for example, also argues for this "divine immediacy" of the papacy; cf. Wilks, *Problem of Sovereignty*, 275.

111 Peter, *Streit*, 96. Regarding a similar thought in Cajetan's work see Horst, "Konziliarismus und Papalismus," 63. The conveying of the papal office through the authority of the church is also to be found in Luther: *WA* 2:191.

112 Wilks, *Problem of Sovereignty*, 390, and Izbicki, *Ecclesiology*, 187.

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neighborhood.[113] Sharpening in some ways Torquemada's views, Cajetan also drew a line between the doctrine of the *suprema potestas* of the pope in the church and the opinions of "the others."[114] The doctrine of the indefectibility of the pope, which was supported not least by the likes of Cajetan and Prierias, also belongs to this discourse; it denotes the impossibility of the popes falling from the faith.[115] Against this backdrop, it comes as no surprise that Eck identifies heretical doctrine in Leipzig: to deny that the fullness of authority in the church proceeds from the pope is heresy.[116] The debate about this matter turned for the most part on two points: the status of the Eastern Church and Eck's accusation that Luther was propagating Hussite views condemned by the Council of Constance.

In his *Resolutio* Luther had developed the argument that the churches of the East were not subject to the Roman bishop at least until the Council of Nicaea (325), so that one could not speak of a Roman primacy for this early period.[117] Similarly, for the period after Nicaea, one must observe that the Roman primacy seems to have applied only to the Western Church; thus the pope had never exercised a regular right of confirmation in episcopal elections of the East.[118] All of this, however, does not make the Greek Church heretical, but instead makes the Roman position obsolete, or even anti-Christian.[119]

Eck's view on the matter is, on the other hand, less directed toward the first centuries of the church than to the recent past, which had not least been shaped by the negotiations toward union at the Council of Ferrara-Florence (1438–1445).[120] According to Eck, the fact that Eastern bishops lacked Roman confirmation had no weight as an argument.[121] The Greeks were for Eck

113 Bernward Schmidt, *Die Konzilien und der Papst: Von Pisa (1409) bis zum Zweiten Vatikanischen Konzil (1962–65)* (Freiburg: Herder, 2016), 89–92.

114 Cajetan, *De comparatione*, c. 1–2

115 In relation to Lk 22:32, see Peter, *Streit*, 96, and Horst, "Konziliarismus und Papalismus," 60–64. Cajetan equated the Roman Church with the pope, whereas Troquemada had clearly distinguished between them; Oberman, "Wittenbergs Zweifrontenkrieg," 336–37 (regarding Prierias). Yet in 1518 Luther had shared Torquemada's position in this regard: see Unterburger, *Unter dem Gegensatz*, 113.

116 *WA* 59:492,1820–27. Eck's entire argument on the afternoon of July 6 was aimed in this direction.

117 *WA* 2:204–07; *WA* 59:475,1321–27. Luther here describes the ancient ecclesial structure of the patriarchates.

118 *WA* 59:462,929–30.

119 *WA* 59:439,208–10. See also Luther's letter to Spalatin from from February 24, 1519: *WA Br* 1:353,38–354,55.

120 Grane, *Martinus Noster*, 105–08.

121 *WA* 59:468,1126–29.

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schismatics and heretics, an opinion that took into consideration not only papal primacy but also the controversy about the Holy Spirit.[122] Only after Luther intervened did Eck allow himself to be brought to a more nuanced position: naturally his verdict should not apply to the early Greek theologians; instead the Greek Church had gone through an extended phase of apostasy and decline.[123] Considering all this it is no surprise that Eck pointed out the Greeks' "perfidious" treatment of the union reached in Florence (1439); their behavior proved in retrospect that the Council of Lyon (1274) and Thomas Aquinas were right in their opposition to the Greeks.[124] In *De primatu Petri* Eck underscored that all churches are dependent on the Roman Church, which is directly in line with Alvarus Pelagius and Richard FitzRalph and meant the eastern churches in this context as well.[125] For these authors obedience to the pope is compulsory because papal decrees possess divine authority. Conversely, already since the eleventh century disobedience to the papacy had been spoken of as heresy.[126]

Finally, one must here mention Johannes Eck's famous attack on Luther, which is rarely ever missing from accounts of the Leipzig Debate. Already before the debate began, Eck had on multiple occasions referred to Luther's opinions as "Bohemian." Denial of papal primacy contradicted the doctrinal definition of Boniface VIII in the bull *Unam sanctam* (1302) and the condemnation of Marsilius of Padua by John XXII. Further, this denial can be found in the condemned statements of John Wycliffe and Jan Hus; the Bohemians and Luther had thus placed themselves outside of the consensus of the church.[127] As Luther reluctantly took up the question and claimed that some of the condemned articles were Christian, the authority of the Council of Constance and of councils in general stood in question – a topic that cannot be further examined here.[128] In this context, however, Luther declared that it was not a matter of salvation that every creature be subject to the Roman pope, and with this he adopted one of Hus's condemned theses and set himself openly in opposition to Boniface VIII.[129] Since Luther denied that papal primacy was based on divine right, it followed for him that one did not automatically become a heretic

122 *WA* 59:453,643–48.
123 *WA* 59:458,810–13.
124 *WA* 59:482,1559–483,1566.
125 Wilks, *Problem of Sovereignty*, 382–83; Peter, *Streit*, 98.
126 FitzRalph, *Summa*, c. 26.
127 *WA* 59:461,880–901; 470,1174–79.
128 Regarding the fundamental affinities between Luther's and Hus's ecclesiological concepts see Unterburger, *Unter dem Gegensatz*, 103–05; Grane, *Martinus Noster*, 100–05.
129 *WA* 59:479,1459–61.

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by disobeying the pope.[130] Luther *nolens volens* articulated a threefold contradiction against the church of Albertine Saxony. He contradicted the pope and his doctrine; he contradicted the council and its doctrinal condemnations, and he contradicted the ruler, for whom defense against the Hussitism on the border of his territory was of serious interest. Given this, it is no surprise that Duke George's reaction was severe and that Luther's reputation took a serious blow.

However, Eck did not steer the debate in this direction simply because Hussitism was currently an issue and a framework for interpretation in Albertine Saxony. On the contrary, ecclesiology was from the very beginning a central topic in the discourse surrounding Hus and the Hussites. Hus's own condemnation at the Council of Constance was in part based on passages from his *De ecclesia* (1413),[131] and just a few years before the Leipzig Debate the Leipzig theologian Hieronymus Dungersheim opened his anti-Hussite work with ecclesiology.[132]

5 In the Aftermath of Leipzig

The aftermath of Leipzig was considerable, especially as publications went; a full examination would quite exceed the bounds of this essay.[133] Reports of the disputation in the form of letters or in other sources as well as theological tractates finally served only to strengthen the given position. It was a common trend, however, that with a focus on the papacy other topics of the debate rather faded into the background. The separation that was beginning loomed more clearly here than in the questions about sin, justification, and penance – to say nothing of the sacraments. As Luther after the debate published his *Resolutio* against Eck's thesis about the papacy for a second time in a slightly expanded

130 Unterburger, *Unter dem Gegensatz*, 107.

131 Norman P. Tanner, ed., *Decrees of the Ecumenical Councils* (Washington, DC: Georgetown University Press, 1990) 1:430–31; see also Sebastián Provvidente, "Hus's Trial in Constance: *Disputatio aut inquisitio*," in *A Companion to Jan Hus*, ed. František Šmahel and Ota Pavlicek (Leiden: Brill, 2015), 275; Thomas A. Fudge, *The Trial of Jan Hus: Medieval Heresy and Criminal Procedure* (Oxford: Oxford University Press, 2013), 8.

132 Hieronymus Dungersheim, *Confutatio apologetici cuiusdam sacrae scripturae falso inscripti* (Leipzig: Stöckel, 1514).

133 Christoph Volkmar, "Von der Wahrnehmung des Neuen: Die Leipziger Disputation in den Augen der Zeitgenossen," in Hein and Kohnle, *Die Leipziger Disputation 1519*, 131–42; Martin Brecht, *Luther: His Road to Reformation, 1483–1521*, trans. James L. Schaaf (Minneapolis: Fortress Press, 1985), 322–48; and Otto Clemen, "Litterarische Nachspiele zur Leipziger Disputation," *Beiträge zur sächsischen Kirchengeschichte* 12 (1897): 56–83.

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and somewhat more pointed edition,[134] Eck presented his arguments in detail in *De primatu Petri*. Later he published a summary clearly influenced by the Leipzig Debate in his *Enchiridion*. For Catholic polemical theology in Germany, Eck's work – whose final position was worked out at Leipzig – may well have gone on to become the leading point of reference for the defense of the papacy.

The same goes for Hieronymus Emser, who made an attempt after the Leipzig Debate to undercut the alliance that seemed to be appearing between Luther and "the Bohemians." In *De disputatione Lipsicensi* Emser pleaded for restraint before Luther be condemned for "Bohemian heresy." He was at least willing to see a papacy based on human right, and acknowledged the owing of obedience to it.[135] Luther, however, did not interpret this as an attempt to continue the debate and possibly to forge a reforming alliance with this theologian of the Albertine-Saxon court. Instead, he took it as a trap: if he did not say anything about Emser's view, this would appear as a retraction of the views he espoused in Leipzig, but if he did not explicitly retract what he had said, then he would be showing himself to be not only a "Bohemian" but as the patron of the Bohemians. Emser indeed stressed – supported, by the way, by Eck – the friendly intent of this writing, but all bridges to Luther seem to have been burned from here forward.[136]

Thus the Leipzig Debate shows not only the personal and theological motives for Luther's gradual separation from the church but especially the controversy about theological method and authorities in the church that stood in the background. At Leipzig, the question of whether Scripture exclusively or the consensus of Scripture and church that spans the times was to act as the basis of theological teaching allowed Luther and Eck to have cycles of debate on various levels and, in part, to talk past each other. In regard to this question, Eck ran into trouble as he supported himself with authors, whose premises Luther questioned and whose argumentation generally was aimed in a different direction (the work of Richard FitzRalph being an exception).[137] Consequently the dissent between Luther and Eck had a more profound dimension, which

134 Martin Luther, *Resolutiones Lutherianae super propositionibus suis Lipsiae disputatis* (Wittenberg: Rhau-Grunenberg, 1519); *WA* 2:391–435. Other editions were published in Augsburg and Leipzig.

135 Hieronymus Emser, *De disputatione Lipsicensi, in quantum ad Boemos obiter deflexa est*, ed. Franz Xaver Thurnhofer, *CCath* 4:36. See also Brecht, *Martin Luther*, 332–35.

136 Heribert Smolinsky, *Augustin von Alveldt und Hieronymus Emser: Eine Untersuchung zur Kontroverstheologie der frühen Reformationszeit im Herzogtum Sachsen* (Münster: Aschendorff, 1983), 223–38.

137 This was especially true of Juan de Torquemada, for whom the divine right of the primacy had a quasi-axiomatic character; Izbicki, *Ecclesiology*, 185.

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was yet to have its effect in the differences between Lutheran envoys and the council fathers at the Council of Trent.[138]

Translated by Jonathan Mumme

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138 Nelson Minnich, "'Wie in dem basilischen concilio den behemen gescheen'?: The Status of the Protestants at the Council of Trent," in *The Contentious Triangle: Church, State and University: A Festschrift in Honor of George Huntston Williams*, ed. Rodney L. Petersen (Kirksville, MO: Thomas Jefferson University Press, 1999), 201–19.

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CHAPTER 9

A Genealogy of Dissent: Luther, Hus, and Leipzig

Phillip Haberkern

1 Introduction

On July 6, 1415 the Bohemian preacher and professor Jan Hus was executed for heresy at the Council of Constance. Hus was burned at the stake for holding heretical eucharistic beliefs and refusing to submit to his ecclesiastical superiors' authority. Hus had preached when he was commanded to be silent, written scathingly about clerical immorality, and propagated a definition of the church that diminished its official hierarchy in favor of those predestined for salvation by God's eternal decree. Further, Hus had used the vernacular to appeal to the laity in his confrontation with the church, and he had claimed that his divine call to preach effectively superseded the church's efforts to muzzle him. Even when confronted with the most powerful secular ruler in Europe and the collective authority of the magisterium at Constance, Hus had refused to back down. He maintained that he had taught nothing against the Scriptures or the teachings of the church fathers, and he called on the church's leaders to hold themselves to a set of higher moral standards. Hus died because he could not countenance any compromise of his beliefs, demonstrating a moral certainty that gave off either the odor of sanctity or a whiff of heresy's taint.[1]

Given the parallels between Hus's confrontation with the church and Martin Luther's campaign against the papacy a century later, it is perhaps not surprising that Luther would find himself defending Hus's orthodoxy on the 104th anniversary of the Bohemian martyr's execution. In Leipzig on July 6, 1519, Luther specifically argued that Hus had properly defined the church according to the writings of St. Augustine, and he further claimed that Hus's Christology was entirely non-controversial. In sum, Luther asserted that some of the articles for which Hus had been condemned at Constance were "most Christian and

1 Hus has been the subject of many biographies. For recent overviews of his life, death, and teachings (with exhaustive bibliographies of earlier works on Hus), see Peter Hilsch, *Johannes Hus* (*um 1370–1415*)*: Prediger Gottes und Ketzer* (Regensburg: Verlag Friedrich Pustet, 1999); Thomas Fudge, *Jan Hus: Religious Reform and Social Revolution in Bohemia* (New York: IB Tauris, 2010); Pavel Soukup, *Jan Hus* (Stuttgart: Verlag W. Kohlhammer, 2014); and the essays in *A Companion to Jan Hus*, eds. Ota Pavliček and František Šmahel (Leiden: Brill, 2015).

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evangelical," despite the judgment of the "holy and praiseworthy" council.[2] Luther's profession of Hus's orthodoxy should not, however, be taken as a foregone conclusion. Indeed, he was almost forced to take this position by his opponent in the disputation at Leipzig, Johannes Eck. It was Eck who baited Luther into articulating a postion on papal primacy that echoed the earlier critiques of Hus and John Wyclif; it was Eck who repeatedly got under Luther's skin by calling him out as a "defender of the Bohemians" who thought that "the most pestilent errors of the Hussites were not only Christian, but most Christian."[3] What neither man likely anticipated, though, was that Luther's identification with a medieval heretic would represent only the first step in his making a much larger historical claim about the nature of the church and the place of religious dissidents within it. In retrospect, Leipzig proved to be an inflection point in the invention of a new ecclesiastical tradition that provided Luther and his earliest supporters with a history of the faithful, oppressed, and ultimately hidden church to which they were the heirs.[4]

Beyond the significance of the Leipzig Debate for Luther's developing understanding of church history, this event also led directly to Luther's introduction to the leaders of the Czech churches who were the descendants of fifteenth-century Hussite radicals. Accounts of Luther's defense of Hus at Leipzig initially inspired two priests from the Utraquist church to establish contact with Wittenberg, and Luther's subsequent publication of pro-Hussite sentiments led the Unity of Brethren to send students to the city's university.[5]

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2 All quotations from the proceedings of the Leipzig Debate in this essay are taken from the account published as: *Disputatio inter Ioannem Eccium et Martinum Lutherum. 1519*, in *WA* 59:427–605, here 478. This text will hereafter be cited as *Disputatio*.

3 *WA* 59:468. For Luther's animated responses to such accusations, see *WA* 59:461–62 and 475.

4 On the development of Luther's historical consciousness and ecclesiology, see John Headley, *Luther's View of Church History* (New Haven: Yale University Press, 1963), 59–69; Johannes Schilling, "Gottes Werck, wie wunderlich er die Menschen kinder regieret: Zum Geschichtsverständnis der Wittenberger Reformation," *Wartburg-Jahrbuch* 8 (2001): 77–95; Irena Backus, *Historical Method and Confessional Identity in the Era of the Reformation (1378–1615)* (Leiden: Brill, 2003); and Matthias Pohlig, *Zwischen Gelehrsamkeit und konfessioneller Identitätsstiftung: Lutherische Kirchen- und Universalgeschichtsschreibung, 1546–1617* (Tübingen: Mohr Siebeck, 2007).

5 In the early sixteenth century, two churches claimed descent from the early Hussites: the Utraquist church that had been recognized by the Council of Basel in the 1430s; and the Unity of Brethren ("*Jednota Brtarská*") that had formed as a voluntaristic offshoot of the Utraquists in the late 1450s. The Utraquist church gained its name from its practice of administering communion in both kinds ("*sub utraque specie*") to the laity. Beyond this liturgical deviation and its veneration of Jan Hus and other Bohemian martyrs as saints, the Utraquists maintained Catholic sacramental doctrine and preserved much of its ecclesiological and liturgical framework. The Unity, conversely, had broken with the apostolic succession of Rome in 1467

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These early contacts led to more substantial theological exchanges in the following decade, and it is possible to see the influence of Luther's engagement with the Czechs on his sacramental theology, understanding of the priesthood, and Christian pedagogy. The sustained nature of these interactions, as well as the political significance of the potential alliance between the Lutherans and their Czech neighbors, demonstrate that Luther's embrace of Jan Hus at Leipzig had repercussions beyond the intellectual realm.[6]

When considering both the personal connections and theoretical elaboration of church history that resulted from Luther's initial engagement with the figure of Jan Hus at Leipzig, it becomes clear that the disputation marked a turning point in Luther's self-conception as a reformer. By providing him with both a lineage of previous dissidents with whom he could identify and a new set of potential allies in his conflict with the church, the debate at Leipzig expanded Luther's horizons with regards to breaking decisively from Rome and establishing an alternative ecclesiastical body. It took Luther some time to articulate a vision for this new church fully, with his programmatic writings of 1520 and excommunication in January 1521 marking decisive intellectual and legal steps in this process. These later developments must, however, be understood in relation to the Leipzig Debate, as it was there and then that Luther first grappled with the ramifications of his new conceptions of ecclesiastical authority and the legitimacy of those who had questioned the traditional understanding of papal primacy before him. Certainly Jan Hus had been one such dissident, and the Bohemian martyr came to represent the authentic sanctity of those persecuted by the papacy for their critiques more than any other individual in Martin Luther's thought.

2 Hus and Luther: Predecessor and Partner

Over the last half-century, a substantial body of scholarship has examined the relationship between Martin Luther and Jan Hus. Many of the earlier

by choosing its own clergy and bishop by lot. The Brethren also eschewed worldly entanglements and higher education, although this separatism had become somewhat attenuated by the end of the fifteenth century. For accessible overviews of these churches' histories, see Zdeněk David, *Finding the Middle Way: The Utraquists' Liberal Challenge to Rome and Luther* (Washington, DC: Woodrow Wilson Center Press, 2003), especially chs. 1–2; and Craig Atwood, *The Theology of the Czech Brethren from Hus to Comenius* (University Park, PA: Penn State University Press, 2009).

6 On the long-term implications of this identification by Luther, see Phillip Haberkern, *Patron Saint and Prophet: Jan Hus in the Bohemian and German Reformations* (New York: Oxford University Press, 2016).

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contributions to this historiography, and particularly those by German scholars, approached the relationship from a decidedly teleological point of view, assessing Hus's work as a reformer and his theology primarily on the basis of how closely they cohered with Luther's. On topics such as justification or the critique of the papacy's legitimacy, Hus was found wanting, held captive by medieval notions about the necessity of good works and an ecclesiological framework that accepted the necessity of an earthly head of the church.[7] The tendency within Reformation scholarship to interpret Hus via comparison to Luther was implicit in the frequent description of Hus as a "forerunner" of the Reformation: the most proximate of all the medieval figures whose attacks on the papacy and partial articulation of ideas later espoused by Protestants seemed to foreshadow the outbreak of the Reformation in the sixteenth century. But ever since the thoughtful interrogation of this term by Heiko Oberman in 1966, scholars have been more intentional in how they use this terminology.[8] On the one hand, it is worth preserving because it reflects the way that Luther and his contemporaries viewed individuals such as Hus. On the other hand, however, historians have become increasingly aware of how the use of this rubric privileges certain elements of medieval dissidents' thought (i.e., those that mirror later Protestant ideas) while pushing other aspects of their teaching to the margins of scholarship.[9]

Whether or not it employs the explicit terminology of the forerunner, recent scholarship on the relationship between Martin Luther and Jan Hus has become more sophisticated in delineating the extent of their agreements and importance of their differences. Scott Hendrix, for instance, highlights the incommensurability of the two reformers' views on justification, but does not penalize Hus for his traditional view; rather, Hendrix shifts his emphasis to the

7 Representative of this earlier scholarship are the works by Jaroslav Pelikan, "Luther's Attitude toward John Hus," *Concordia Theological Monthly* 19 (1948): 747–63; Bernard Lohse, "Luther und Hus," *Luther* 36 (1965): 108–22; and Walter Delius, "Luther und Hus," *Luther-Jahrbuch* 38 (1971): 9–25.

8 For an overview of the early development of this terminology in nineteenth-century scholarship, see the introduction to Heiko Oberman, *Forerunners of the Reformation: The Shape of Late Medieval Thought* (New York: Holt, Rinehart, and Winston, 1966), 1–50. Cf. Gustav Adolf Benrath, "Die sogenannten Vorreformatoren in ihrer Bedeutung für die frühe Reformation," in *Die frühe Reformation in Deutschland als Umbruch*, ed. B. Moeller (Gütersloh: Gütersloher Verlagshaus, 1998), 157–66; Theodor Mahlmann, "'Vorreformatoren,' 'vorreformatorisch,' 'Vorreformation': Beobachtungen zur Geshichte eines Sprauchgebrauchs," in *Reformer als Ketzer: Heterodoxe Bewegungen von Vorreformatoren*, eds. G. Frank and F. Neiwöhner (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 2004), 13–55.

9 On this tension, see Euan Cameron, "Medieval Heretics as Protestant Martyrs," in *Martyrs and Martyrologies*, ed. Diana Wood (Cambridge, MA: Blackwell, 1993), 185–207; Howard Kaminsky, "The Problematics of 'Heresy' and 'The Reformation'," in *Häresie und vorzeitige Reformation in Spätmittelalter*, ed. František Šmahel (Munich: Oldenbourg, 1998), 1–22.

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significance of Hus's ecclesiology as providing an impetus for Luther's break from Rome.[10] Heiko Oberman pushed Hendrix's conclusions further, arguing that Hus's fate at Constance helped to convince Luther that the church had been irrevocably subverted by Antichrist and that the last days had begun. In Oberman's rendering, Hus became an apocalyptic witness whose words and death both presaged the outbreak and guaranteed the outcome of Luther's conflict with the papacy.[11]

Oberman's attention to the prophetic role that Luther ascribed to Hus elevated the Bohemian martyr's significance for the German reformation, and this increase in status has been further advanced by Thomas Kaufmann. In a pair of recent essays, this historian has argued that Jan Hus and his followers both established a model for national reform that proved useful for Luther and provided a symbol (the communion chalice) around which a reform movement could coalesce.[12] This assertion of Hus's political significance further expanded the resonance of the Bohemian reformation for its German counterpart, but represented only one element of Kaufmann's larger arguments about the centrality of Jan Hus for Luther. According to Kaufmann, Luther's growing familiarity with Hus's life and afterlife in the Hussite revolution proved to the Saxon professor that his reform represented the culmination of a long, nearly continuous string of efforts to reform the church. Luther's increasing conviction about his membership within this genealogy of dissent offered a historical dimension to the construction of an alternate church structure that augmented the theological understanding of the church as a "*spiritualem fidelium collectionem*."[13]

While a number of other scholars have tracked the influence of Hus on specific aspects of Luther's thought, surveyed the Hussites' place in the pamphlet literature that accompanied the outbreak of the German reformation, and assessed the impact of Catholic polemicists on propagating the identification of Luther with Hus, all of these different approaches have emphasized one thing

10 Scott Hendrix, "'We Are All Hussites'? Hus and Luther Revisited," *Archiv für Reformationsgeschichte* 65 (1974): 134–61, esp. 141ff.

11 Heiko Oberman, "Hus and Luther: Prophets of a Radical Reformation," in *The Contentious Triangle: Church, State, and University*, ed. Calvin Pater and Rodney L. Petersen (Kirksville, MO: Sixteenth Century Essays and Studies, 1999), 135–66.

12 Thomas Kaufmann, "Jan Hus und die frühe Reformation," in *Biblische Theologie und historisches Denken*, ed. Martin Kessler and Martin Wallraff (Basel: Schwabe Verlag, 2008), 62–109; Kaufmann, *Der Anfang der Reformation: Studien zur Kontextualität der Theologie, Publizistik, und Inszenierung Luthers und der reformatischen Bewegung* (Tübingen: Mohr Siebeck, 2012), 30–67.

13 On the conjunction of these ideas, see Hendrix, "'We Are All Hussites?'," 158; Kaufmann, "Hus und die frühe Reformation," 107.

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in common: that the Leipzig Debate marked a crucial transition in how Martin Luther thought about Jan Hus.[14] Whereas prior to this disputation Luther had either rejected Hus as a heretic or not thought about him much at all, both during and after Leipzig Hus came to play an increasingly prominent and multifaceted role in Luther's thought as a martyr and saint who had been unjustly murdereded by the agents of the devil at Constance.[15] First in dispute with Eck at Leipzig and subsequently in the texts that clarified and expanded the positions taken at the debate, Jan Hus came to serve as the archetypal victim of papal tyranny and proof of the church hierarchy's failings.

3 Luther and Hus in the Debate

The debate held at Leipzig between Johannes Eck, Andreas Bodenstein von Karlstadt, and Martin Luther was the result of many months of negotiation. Every detail of the disputation was initially up for grabs: its location and date, the articles that would be discussed, the judges who would determine a victor, and even Luther's involvement in the proceedings. As the questions regarding practical arrangements for the debate were slowly resolved in late 1518 and early 1519, the debate's participants also engaged in an escalating exchange of texts to determine the topics they would dispute. It was in this initial back-and-forth that the shadow of Jan Hus was first cast over the impending confrontation at Leipzig.[16]

The central question that brought Hus to the forefront of these polemics was that of the pope's primacy in the universal church. Eck had made this issue a focus of his preparations for Leipzig, noting that Luther's explanations of his

14 On these particular topics, see Siegfried Hoyer, "Jan Hus und der Hussitismus in den Flugschriften des ersten Jahrzehnts der Reformation," in *Flugschriften als Massenmedium der Reformationszeit*, ed. Hans-Joachim Köhler (Stuttgart: Ernst Klett Verlag, 1981), 291–307; David Bagchi, *Luther's Earliest Opponents: Catholic Controversialists, 1518–1525* (Minneapolis: Fortress Press, 1991), especially 103–10; and Norbert Kotowski, "Ansätze für einen Vergleich der Ekklesiologie bei Hus und Luther," in *Jan Hus: Zwischen Zeiten, Völkern, Konfessionen*, ed. Ferdinand Seibt (Munich: Oldenbourg, 1997), 347–65.

15 On the increasing place of Hus in Luther's literary production, see Benrath, "Die sogenannten Vorreformatoren," 162–66; Haberkern, *Patron Saint and Prophet*, 149–87.

16 On the complicated negotiations leading up to the Leipzig Debate, see Kurt-Victor Selge, "Der Weg zur Leipziger Disputation zwischen Luther und Eck im Jahr 1519," in *Bleibendes im Wandel der Kirchengeschichte*, ed. B. Moeller and G. Ruhbach (Tübingen: JCB Mohr, 1973), 169–210; Anselm Schubert, "Libertas Disputandi: Luther und die Leipziger Disputation als akademisches Streitgespräch," *Zeitschrift für Theologie und Kirche* 105 (2008): 411–42.

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Ninety-Five Theses had questioned the sovereignty of the bishop of Rome in the early church and consequently offering up the origins of the pope's supremacy as a topic for debate.[17] In response to this volley, Luther effectively doubled down on his position, asserting that arguments for the pope's primacy were recent innovations and had no foundation in divine law. On the contrary, the pope's authority derived from imperial support, and was thus a human invention. At this point in time, Luther was still arguing for the necessity and benefit of having an earthly head of the church; he denied, however, that one must accept this as a matter of faith. Rather, Luther employed the arguments of the fifteenth-century papal historian Bartolomeo Platina and the condemned heretic Jan Hus to claim that the papacy was a human institution whose authority should be continually tested, rather than taken for granted.[18] Or, as Luther put it in his response to a list of articles prepared for the debate by Eck: "That the Roman church is superior to all others is proved only by the most trivial decrees of the last 400 years, against which are the confirmed history of 1100 years, the text of divine Scripture, and the decrees of Nicaea, the holiest of all councils."[19] This line of argumentation would prove ripe for exploitation by Eck, as it potentially undermined the entire foundation of ecclesiastical authority. As such, he made it central to his overarching strategy in his debate with Luther at Leipzig.

Luther's possible affiliation with Jan Hus first arose on the second day of Luther's encounter with Eck during an exchange about Rome's status vis-à-vis other Christian churches. In the course of this discussion, Luther asserted that the Greek church had as good a claim to primacy as its Roman counterpart, since the Greeks had represented the best part of the universal church for

17 In his *Obelisks*, a critical commentary on Luther's theses, Eck had identified Luther's definition of the Church as containing "Bohemian poison." Later, in March 1519, Eck published a list of thirteen articles for debate at Leipzig against Karlstadt and Luther that explicitly asserted that the Roman church had been superior to all others in the centuries before the reign of Pope Sylvester (d. 335 CE). The *Obelisks* have been printed in a modern, critical edition in Peter Fabisch and Erwin Iserloh, ed., *Dokumente zur Causa Lutheri* (*1517–1521*), *CCath* 41–42, 2 vols. (Münster: Aschendorff, 1988), 1:376–447, here 429–31. Eck's proposed articles have been printed as: *Disputatio et excusatio Domini Johannis Eccii adversus criminationes F. Martini Luteri ordinis Eremitarum*, in Fabisch and Iserloh, *Dokumente*, 2:241–53, here 253.

18 Luther included this argument in a text that explicitly mirrored Eck's earlier theses: *Disputatio et excusatio F. Martini Luther adversus criminationes D. Iohannis Eccii* (1519), *WA* 2:153–61, here 159. On the development of Luther's arguments about the foundation of papal power in the lead up to Leipzig, see Martin Brecht, *Martin Luther: His Road to the Reformation, 1483–1521*, trans. James L. Schaaf (Minneapolis: Fortress Press, 1985), 302–09.

19 Luther, *WA* 2:161. Cf. Luther's expansion of this argument in his *Resolutio Lutheriana super propositione sua decima tertia de potestate papae* (1519), *WA* 2:180–240.

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many centuries and "no land produced more excellent writers than Greece."[20] Eck responded by arguing that this might have been true in former times, but that the Greeks were now "puffed up with vanity and infected with envy," so that they denied the authority of the Roman see and fell into grave eror.[21] Eck went on to attribute this same error to a string of medieval heretics, including the Poor of Lyons, Marsilius of Padua, and John Wyclif, whose "pestiferous and damnable errors" included the notion that "it is not necessary for salvation to believe that the Roman church is superior to all others." Eck continued by asserting that Jan Hus had been condemned for defending similar positions, namely that "Peter neither is nor ever was the head of the holy catholic church" and that "the papal dignity grew out of the emperor's, and the institution and perfection of the pope arose from Caesar."[22]

Although Luther had prepared himself to debate the issue of papal supremacy in the church, it would seem that Eck caught him by surprise with the accusation that he had aligned himself with medieval heretics vis-à-vis papal supremacy.[23] Luther thus responded to Eck's assertion by offering a reflexive, blanket denial: he loathed division in the church, and considered nothing more detestable than the Bohemians' blasphemy. They had rejected true charity and "separated themselves from our unity on their own authority," both of which were grave sins.[24] Having registered this protest, however, Luther quickly walked back its substance. After spending a few hours during a break in the debate consulting the records from the Council of Constance, Luther resumed and intensified his attacks on the historical primacy of Rome.[25] He argued again that the Greeks had a claim to historical primacy over Rome, and then dropped a bombshell: "This is certain, that among the articles of Jan Hus and the Bohemians, many are clearly most Christian and evangelical." After all, Hus

20 *WA* 59:456.

21 *WA* 59:458.

22 *WA* 59:461. These particular statements are articles seven and nine from a list of thirty teachings condemned in the 1418 bull, *Inter Cunctas*, issued by Martin V. The full list of these articles has been printed in Kurt Aland and Carl Mirbt, eds., *Quellen zur Geschichte des Papsttums und des römischen Katholizismus*, 6 vols. (Tübingen: Mohr Siebeck, 1967), 4:480–81.

23 On Luther's reaction to this accusation, see S. Harrison Thomson, "Luther and Bohemia," *Archiv für Reformationsgeschichte* 44 (1953): 160–81, here 169; Lyndal Roper, *Martin Luther: Renegade and Prophet* (New York: Random House, 2017), 63–90.

24 *WA* 59:462.

25 The proceedings of the Council had been published in 1500 and were reprinted in 1506, 1511, and 1514. The first edition appeared as Jakob Locher, ed., *Acta Scitu dignissima docteque concinnata Constantiensis concilii celebratssimi* (Augsburg: Rynmann, 1500).

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had been condemned for teaching that "there is one universal Church," which was incontrovertibly orthodox.[26]

It is not clear what advantage Luther was trying to gain in making this qualified admission of support for Jan Hus. Indeed, his defense of Hus's orthodoxy immediately alienated Duke George of Saxony, who recoiled at the mention of the Bohemian heretic and his followers.[27] It also quickly became apparent that Eck would cling tenaciously to Luther's argument for Hus's orthodoxy and use it as a point of departure for expanded accusations against Luther's conceptions of authority in the church. First and foremost, Eck noted that Luther was exhibiting heretical pride in claiming to "understand the holy scriptures better than the highest pontiffs, councils, doctors, and universities … despite the Holy Spirit never having forsaken the holy Church. And this would be miraculous, if God had hidden the truth from all the saints and martyrs up until the appearance of the Reverend Father."[28] Eck then noted that Luther's questions about the judgment of the Council of Constance regarding Hus implied that a legitimately convoked, universal council could err in essential matters of faith. If this were so, then another source of religious authority within the church would be denied.

In response to this latter accusation, Luther strengthened his earlier defense of Hus's evangelical bona fides. Noting that Hus's definition of the universal church as "the totality of the predestined" was an echo of St. Augustine's ecclesiology, Luther argued that such a definition of the body of Christ meant that no singular pontiff or assembly of ecclesiastical authorities could be taken as a certain embodiment of divine will: "If any false [Christian] were to be admitted into the Council, then the universal authority of the council would be weakened and become a damaging illusion."[29] Luther sought to make a council's authority dependent on its consonance with God's word, rather than its mere convocation, which proposed a subjective, and potentially subversive, standard by which to judge the binding authority of conciliar decrees.

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26 *WA* 59:466.

27 On Duke George's response to Luther's defense of Hus, see the eye-witness account of the disputation printed as "Das Leipziger Colloquium, beschreiben von M. Sebastian Fröschel, der es selbst mit angehört hat," in *StL* 15:1204–08, here 1207. On George's wider opposition to Luther, see Christoph Volkmar, *Reform statt Reformation: Die Kirchenpolitik Herzog Georgs von Sachsen 1488–1525* (Tübingen: Mohr Siebeck, 2008), especially 453–65.

28 *WA* 59:470. For a thoughtful analysis of the larger question about authority in the Church in Luther's thought at this time, see Susan Schreiner, *Are You Alone Wise? The Search for Certainty in the Early Modern Era* (New York: Oxford Univeristy Press, 2011), 137–65.

29 *WA* 59:479.

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It is worth pausing at this point to consider not only the explicit content of this argument over Luther's potential ties to Jan Hus, but also its implications. At issue here were Hus's positions on the nature of the pope's authority in the Church, as well as on the composition of the Church itself. Luther claimed that Hus's beliefs in both these realms were supported by historical evidence and the teachings of authorities such as St. Augustine. Conversely, Eck argued that they were problematic in themselves, but more importantly had been condemned at Constance: *Concilia locuta est, causa finita est*. For Eck, it was utter foolishness to re-litigate a trial that had been authoritatively decided a century previously, but in making his case he drew Luther towards more radical conclusions than the Saxon professor might have otherwise reached.[30] The authority of church councils, to which Luther would repeatedly appeal as a potential arbitrator in his dispute with the papacy, had not factored into the initial framing of this debate. It was Eck who demanded that Luther follow his (and Hus's) arguments to their logical extreme, and to continue to defend them after the debate concluded.[31]

Eck also pushed Luther to move beyond his reflexive rejection of Jan Hus as a diabolical heretic during their initial exchange and to consider the similarities between Luther's positions and those of medieval heretics more generally. In terms of the consequences of the Leipzig Debate, Luther's realization at this moment that other figures had previously espoused the same positions that he was developing regarding papal authority and ecclesiology would prove especially significant. In the words of Thomas Kaufmann, the acknowledgement of continuties between Luther's and earlier heretics' critiques of the Roman church constituted an "essential component of the historical and historico-theological self conception of Lutheran Protestantism."[32] It was during the debate at Leipzig and its immediate aftermath that assertions of Luther's ties to Bohemia became ubiquitous, with the consequence that this "historico-theological" identity was thrust upon him.

30 Eck's faith in conciliar authority was absolute: "Unde potius hoc constantissima fide tenere debemus, quicquid concilia legitime congregata in iis quae sunt fidei determinaverint, definiverint, esse certissimum." See *WA* 59:490.

31 Luther had appealed to the decisions of a future council against the pope on the issue of indulgences in November 1518. In the words of Scott Hendrix, this appeal exemplified Luther's belief in a "consensus principle of church authority" at this time, which depended on a council's adherence to scriptural principles in its decrees. On Luther's early appeals to a council, see Scott Hendrix, *Luther and the Papacy: Stages in a Reformation Conflict* (Philadelphia: Fortress Press, 1981), 65–70.

32 Kaufmann, "Jan Hus und die frühe Reformation," 107.

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Not that Luther was passive in the face of this identification. On the contrary, he leaned into Eck's accusation that he shared certain positions with Hus, even as he tried to distance himself from the Hussites' more problematic ideas about the Eucharist or the disendowment of the clergy.[33] In short, Luther tried to maintain the qualifications he initially offered regarding his alignment with Jan Hus at Leipzig, even as Eck sought to erase any meaningful distinctions. In terms of mapping out both Luther's theological agreement with earlier dissidents from the Church and his rhetorical embrace of such figures, however, the disputation with Eck represented only a starting point. In the months following the Leipzig Debate, Luther offered consistently more expansive statements regarding his admiration for, and affiliation with, Jan Hus. In dialogue with both Hus's written works and the people who claimed to be his heirs in Bohemia, Luther identified Hus as a forerunner of his reform whose death demonstrated that the Roman church had been hopelessly subverted by Satan.

4 After Leipzig

While Jan Hus loomed large during the course of the Leipzig Debate, the proceedings of the disputation made it clear that Luther had only a passing acquaintance with Jan Hus's actual ideas. Luther had limited time to consider the set of articles extracted from Hus's writings for Constance, and these excerpts had already been filtered by Hus's opponents with an eye towards his condemnation. Indeed, the basis for Luther's defense of Hus at Leipzig was entirely second hand, and it devolved from snippets that gave little sense of the Prague preacher's overall program for religious reform. In the months after the debate, however, Luther gained new insight into Hus's thought, as he entered into communication with a pair of Utraquist clerics from Prague. These priests had heard of Luther's defense of Hus's orthodoxy from a Czech organ-builder named Jakub who had witnessed the debate in Leipzig, and in response to Luther's actions they determined to send him a pair of encomia and a copy of Hus's magnum opus, *On the Church*.[34]

33 Luther also rejected the Hussites' perceived Donatism. See *WA* 59:499.

34 Luther first mentioned these letters and the copy of Hus's book in a letter to Johannes Staupitz written on October 3, 1519. In this missive, Luther noted that he had not yet read *De Ecclesia*, but referred to the Utraquist priests as "truly learned in the sacred Scriptures." See Luther, "Letter to Johann von Staupitz" (October 3, 1519), *WA Br* 1:513–17, 514.

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The authors of the two letters were Jan Poduška, the head priest of the Utraquist Church of Our Lady before Týn in Prague, and his vicar, Václav Roždalovský. The purpose of their epistles was to encourage Luther in his vocal defiance of the church and to introduce him to the founding principles of the Bohemian reformation. In terms of exhortation, the two letters were overflowing with praise. Poduška, for instance, addressed Luther as a "valiant hunter of pseudo-apostles" and assured him that the Czech people were "sustaining you with prayers both day and night."[35] In a similar vein, Roždalovský noted that "we have determined that the spirit of Christ is working in the church through you" and expressed the hope that "what once Jan Hus was for Bohemia, you, O Martin, can be for Saxony."[36] Speaking with the authority of experience, Poduška sought to strengthen Luther by reminding him that if he bore the insults of the world for Christ, then he would certainly be of the Lord's household.[37] Luther, writing of these letters in October of 1519, thus noted that the Utraquist priests "exhorted me to constancy and patience, saying that the theology I teach is pure."[38]

Roždalovský and Poduška initially explained their gift of *On the Church* by saying that they wished Luther to be able to access Hus's teachings without mediation, "so that you might come to know and judge who that man [Hus] was, not from rumor or the wicked decrees of the Council of Constance, but from the true likeness of his own soul, that is, from his books."[39] The choice of *On the Church* as illustrative of Hus's thought must have seemed obvious to the Prague priests. This book, originally written by Hus while in exile from Prague in 1413, comprised both an exhaustive treatment of the hidden nature of the true church and a scathing attack on the ecclesiastical authorities who had sought to suppress the preaching of God's word.[40] Ecclesiologically speaking, the book drew extensively from the teachings of St. Augustine as interpreted by the fourteenth-century Oxford professor John Wyclif to argue that the visible institution of the church and its leaders did not necessarily correspond to the community of those elected by God for salvation. As such, one should

35 Jan Poduška, "Letter to Martin Luther" (July 17, 1519), *WA Br* 1:416–18.

36 Václav Roždalovský, "Letter to Martin Luther" (July 17, 1519), *WA Br* 1:419–20.

37 Poduška, "Letter to Luther," *WA Br* 1:418.

38 Luther, "Letter to Staupitz," *WA Br* 1:514.

39 Roždalovský, "Letter to Luther," *WA Br* 1:419.

40 This book has been published in a modern, critical edition as Jan Hus, *Tractatus de Ecclesia*, ed. S. Harrison Thomson (Boulder: University of Colorado Press, 1956). On the text's composition and initial reception, see Olivier Marin, *L'archevêque, le maître, et le dévot: Genèses du mouvement réformateur pragois, Années 1360–1419* (Paris: Honoré Champion Éditeur, 2005), 120ff; Soukup, *Jan Hus*, 159–74.

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grant authority to the church's leaders only if their actions were in accordance with the law of God contained in the Scriptures and embodied by Christ.[41] Luther had treated these questions extensively at the Leipzig Debate, and his arguments there had largely complemented Hus's ideas. And after Leipzig, the critique of ecclesiastical authorities would feature centrally in a number of Luther's works, with Hus himself appearing more and more often as a victim of the corrupt church's oppression and model for attempting to salvage that institution.

It would seem that Luther did not actually have the time to read *On the Church* until the beginning of 1520. It was only in February that Luther commented upon it, writing euphorically to Georg Spalatin that "without knowing it, we are all Hussites!"[42] Luther further identified Hus's teaching with that of the Apostle Paul and St. Augustine, and noted that he and Johann von Staupitz had also taught it, though unwittingly. Luther's enthusiastic embrace of Hus led him to shepherd two editions of *On the Church* through the press in early 1520, an act that both broadcast Hus's status as an intellectual forebear of the contemporary critique of the church and enabled the public to determine whether or not his ideas had been truly heretical.[43] Luther's embrace of Hus's most significant work also signalled that the Saxon reformer was taking a deeper dive into Bohemian history in order to gauge the full extent of its resonance in the sixteenth century.

One area where Luther seemed to find support among the Bohemians concerned the Eucharist. At the end of 1519 Luther first explored the possibility of the laity receiving communion in both kinds, a practice long associated with the Hussites, in his *Sermon on the Most Revered Sacrament of the Holy and True Body of Christ, and on the Brotherhoods*.[44] In this vernacular treatise, Luther argued that all people should receive both elements in the sacrament, as its

41 For an overview of Hus's ecclesiology and its relation to Wyclif's thought, see Alexander Patchovsky, "Ekklesiologie bei Johannes Hus," in *Lebenslehren und Weltentwürfe im Übergang vom Mittelalter und Neuzeit: Politik-Bildung-Naturkunde-Theologie*, eds. H. Boockman, et al. (Göttingen: Vandenhoeck & Ruprecht, 1989), 370–99.

42 Luther, "Letter to Georg Spalatin" (Feb. 1520), *WA Br* 2:40–42.

43 Jan Hus, *De Causa Bohemica* (Hagenau: Thomas Anshelm, 1520) appeared in the spring of 1520, with references made to it by Zwingli in May; the second edition, entitled *Liber Egregius de unitate Ecclesiae, Cuius autor periit in concilio Constantiensi* (Basel: Adam Petri, 1520), was published in the summer. Luther, in a letter to George Spalatin (March 19, 1520), noted that the Anshelm edition had been issued in a large print run of 2,000 copies, indicating an expectation of considerable commercial appeal. See *WA Br* 2:72. See also: Kaufmann, "Jan Hus und die frühe Reformation," 92–93.

44 Martin Luther, *Eyn Sermon von dem Hochwirdigen Sacrament des Heyligen Waren Leychnams Christi Und von den Bruderschaften*, in *WA* 2:738–58.

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purpose was to bind all members of the "community of the saints" to each other and to Christ. As all members of the body of Christ were equal, so they should participate equally in the ritual of communion.[45] Contemporary audiences perceived this text as deeply influenced by Hussite ideology. Indeed, the chalice was, along with Jan Hus, the key symbol of the Bohemian reformation, and the introduction of a new ritual practice at the heart of Christian worship provided the nascent evangelical movement in the German lands with a decisive act of collective identification.[46]

Early in 1520 Luther wrote to clarify his initial thoughts on the legitimacy of the laity receiving the cup along with the bread, asserting that the Bohemians should not be "chastized as heretics" because they received the sacrament in both kinds. Rather, they should be seen as schismatics with a different practice, but still brothers and sisters in the greater unity of the church.[47] In this text, Luther also showed a greater knowledge of the religious diversity in the Czech lands than he previously had, distinguishing between the eucharistic theologies of the Utraquists (which was largely in line with Catholic orthodoxy) and Unity of Brethren, to whom he ascribed a more symbolic interpretation of Christ's sacramental presence. And while Luther still employed the vaguely pejorative moniker of "Pikarts" to describe the Unity, this text articulated a more nuanced view of Czech religious groups' differences than Luther had previously held.[48]

A similarly sophisticated view of the situation in the Czech lands animated Luther's discussion of how the church might re-incorporate the Utraquists and Unity of the Brethren in his *Address to the German Nobility*.[49] In this seminal text, Luther again considered the differences between the two Czech churches,

45 *WA* 2:742–43.

46 On this identification, see Thomas Kaufmann, "Abendmahl und Gruppenidentität in der frühen Reformation," in *Herrenmahl und Gruppenidentität*, ed. Martin Ebner (Freiburg im Breisgau: Herder, 2007), 194–210; Roper, *Renegade and Prophet*, 140–44.

47 Martin Luther, *Vorclerung Doctoris Martini Luther etlicher Artickell in seiynem Sermon von der heyligen Sacrament*, in *WA* 6:76–83, here 80.

48 The term "Pikart" was a corruption of the word "Beghard" and had been used since the 1410s to describe Hussites who held a symbolic interpretation of the eucharist. The Unity had been called "Picards" or "Pikarts" from the time of its founding in the mid-fifteenth century. On the origins of this term of opprobrium within the Bohemian reformation, see Howard Kaminsky, *A History of the Hussite Revolution* (Berkeley: University of California Press, 1967), 353–60. On the persistence of this term into the sixteenth century, see Martin Wernisch, "Luther and Medieval Reform Movements, Particularly the Hussites," in *The Oxford Handbook of Martin Luther's Theology*, ed. Robert Kolb, et al. (New York: Oxford University Press, 2015), 62–70.

49 Martin Luther, *An den christlichen Adel deutscher Nation von des Christlichen Standes Besserung*, in *WA* 6:381–469.

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but he also treated the schism between the Bohemians as a whole and their neighbors as a political, rather than solely theological, issue. The main point that Luther tried to make in the *Address* was that Hus had been burned in violation of a legally binding safe conduct issued by King Sigismund of Hungary, which "aroused the Bohemians to great anger." To emphasize the political nature of the dispute that followed this breach of faith, Luther put aside the issue of whether or not Hus had been a heretic, although Luther noted that he had found no errors in the Bohemian priest's writings. Rather, Luther emphasized that the "pope and his gang" had acted to propagate "misery, error, and the perishing of souls" by undermining Sigismund's authority and causing him to violate his honor by repudiating a safe conduct.[50]

Because of the Czechs' rightful anger at the treatment of Hus, Luther advised that the church should appoint an archbishop in Prague who would allow the administration of communion in both kinds and work with "patience and gentleness" until he "has gradually brought all the people together again in one common doctrine."[51] Luther then asserted that this should be done without papal approval if necessary, but through the action of regional bishops, as "love is greater and more needed than the papacy in Rome, which is without love."[52] Some scholars have read the *Address* as an effort by Luther to distance himself from, or at least qualify his support for, Jan Hus. After all, it did contain sentiments such as: "I will neither judge here the articles of Jan Hus, nor champion his errors," and "I do not wish, however, to make Jan Hus a saint or martyr, as some of the Bohemians do."[53] Such a conclusion marginalizes, however, the increasingly central role that Bohemian history was playing in Luther's polemics against Rome at this time. Just as Hus's death had provided evidence of church councils' errancy during the Leipzig Debate, so too did it come to demonstrate the consequences of the papacy's tyranny in the aftermath of the disputation.

Luther's use of Hus's history as evidence of the diabolical exercise of power by the church hierarchy featured in other texts written in the wake of Leipzig. The *Operationes in Psalmos*, for instance, invoked the death of Hus and Jerome of Prague as evidence that the Council of Constance had been a "Satanic assembly" that damned the proper identification of the church as the "communion of the saints" that had existed in all times and all lands without institutional

50 *WA* 6:454.

51 *WA* 6:457.

52 Luther specifically suggested that bishops in Moravia, Hungary, Poland, or the Empire could confirm a choice made by the Czechs, presumably the clerical consistory that oversaw the administration of the Utraquist church. See *WA* 6:455.

53 *WA* 6:454. For an example of this argument, see Hendrix, "'We Are All Hussites?'," 148ff.

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boundaries.[54] Luther further argued that Hus's and Jerome's executions had been nothing other than "the cruelest murder" perpetrated by "enemies of Christ and his church," a sentiment that also appeared in Luther's response to the condemnation of his teaching by the faculties of Cologne and Louvain.[55] In this latter text, Luther identified the collective masters assembled at Constance as "the apostles of Antichrist" who had suppressed the evangelical truth with great "temerity and impiety."[56]

Interestingly, Luther linked the martyrs of Constance in this *Response* to other figures who had run afoul of the magisterium such as Lorenzo Valla, Giovanni Pico della Mirandola, and Johannes Reuchlin. There was not yet a strong genealogical or developmental understanding of how such figures related to each other (or to Luther), but this text was an early example of Luther's attempts to situate his own protest within a larger constellation of ecclesiastical critics.[57] Luther's early eucharistic treatises, his exegesis of the Psalms, his manifesto to the German nobility, and his response to Catholic theological critics all gave witness to the myriad ways in which he instrumentalized the death of Jan Hus in his polemics against the church after Leipzig. In the latter half of 1519 and first half of 1520, the Bohemian priest's death achieved political and eschatological significance, while the Bohemian reformation's signature liturgical innovation (or restoration, as the Czechs saw it) gained Luther's seal of approval. This expansion of Hus's significance as an inspiration or even model of reform would only continue in the second half of 1520, as Luther came to grips with the consequences of his potential excommunication by Pope Leo X.

5 Excommunication and After: towards a New Church?

Initially promulgated on June 15, 1520, the bull *Exsurge Domine* threatened Martin Luther with excommunication unless he recanted his errors within sixty days. In the preface to the bull's list of forty-one objectionable and/or heretical articles espoused by Luther, Pope Leo X accused him of reviving the heresies of the Greeks and Bohemians and propagating ideas that were "scandalous or

54 Martin Luther, *Operationes F. Martini L. In Psalmos: Psalmus Quintus Decimus, Hebraeis Sextus Decimus*, in *WA* 5:443–66, here 450–51.

55 Luther, *WA* 5:452.

56 Martin Luther, *Responsio ad condemnationem doctrinalem per Lovan. et Colon. Factam*, in *WA* 6:170–95, here 185.

57 On this impulse, see Robert Kolb, "'Saint John Hus' and 'Jerome Savonarola, Confessor of God': The Lutheran 'Canonization' of Late Medieval Martyrs," *Concordia Journal* 17 (1991): 404–18.

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offensive to pious ears, seductive of simple minds, [and] originating with false exponents of the faith who in their arrogant curiosity desire earthly glory."[58] Luther's response to the publication of this bull in the autumn of 1520 was almost one of relief. Martin Brecht has noted that *Exsurge* freed Luther from any uncertainty he felt about the legitimacy of the papacy as an institution and enabled him to attack the pope as Antichrist openly.[59] This newly confirmed conviction provided the impetus for Luther's three explicit responses to the bull, which included two highly reactionary treatises – one Latin and one German – entitled *Against the Bull of Antichrist* and a more measured text that offered a point-by-point refutation of the condemnation of Luther's teachings.[60] All three of these texts presented Luther's breach with the church as irreparable, as it had shown itself to be ruled over by the pope: "God's enemy, the persecutor of Christ who disturbs Christendom, and the true Antichrist."[61]

In these texts, and especially in the *Defense and Explanation of All the Articles*, Jan Hus appeared as a witness against the church's perfidy. As such, Luther withdrew his previous, partial endorsement of Hus and instead asserted that all of his teachings were "altogether Christian." Further, Luther identified Hus's judges and executioners as heretics and apostates who had condemned the Gospel by murdering Hus and "placed the teaching of the hellish dragon in its place."[62] The identification of Hus as a champion of the renascent Gospel in this text was balanced by Luther's recognition that his Bohemian forerunner had not fundamentally denied the pope's authority over the church; Luther thus commented that he had already done "five times more" than Hus in his campaign against the papacy, but lamented that "I still fear that I do too little."[63] Even with the rhetorical tempering of Luther's identification with Hus, this text represented an early apogee in Luther's claims to represent the

58 This bull has been printed in Aland and Mirbt, *Quellen zur Geschichte des Papsttum*, 1:504–13, here 505.

59 Brecht, *Martin Luther*, 404; cf. Luther's assertion of his newfound certainty in a letter from August 1520: "Iam multo liberior sum, certus tandem factus papam esse Antichristum & sataneae sedem manifeste inuentum." Luther, "Letter to Georg Spalatin," (August 1520), in *WABr* 2:195.

60 The first two texts were entitled *Adversus execrabilem Antichristi bullam* (*WA* 6:595–621) and *Wider die Bulle des Endchrists* (*WA* 6:613–29), respectively. The German version of this treatise was not simply a translation of the Latin text, but a simplified and more pronounced polemic against the papacy intended for the laity. The third text, *Grund und Ursach aller Artikel D. Martin Luthers, so durch römische Bull unrechtlich verdammt sind* (*WA* 7:299–457), appeared in 1521.

61 Luther, *WA* 6:629.

62 Luther, *WA* 7:431.

63 Luther, *WA* 7:433.

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culmination of a process begun by Hus. In the *Defense and Explanation*, Luther followed his declaration of Hus's orthodoxy from Leipzig to its logical extreme, arguing not only for Hus's status as a suffering witness to divine truth, but also identifying those who persecuted him as followers of Satan. The fact that these "antichristians" were in possession of the institutional church therefore led Luther towards the recognition that he and his allies would need to establish an alternative ecclesial body to propagate and sustain true religious teaching as the world approached its end.[64]

It should be noted that Luther's efforts to identify himself with Hus were actually buttressed by Catholic polemical texts that repeatedly emphasized Luther's ties to Bohemian heresy. Both Johannes Eck and Heironymus Emser, Duke George's chaplain, rushed to highlight the danger that Luther's revival of Hussite ideology posed to the Empire's peace, while King Henry VIII of England condemned Luther's eucharistic theology as being "born in the den of the Hussites' heresy."[65] Other Catholic authors also leapt into the fray, but their efforts had unintended consequences; they reinforced the idea that Luther was not alone in his critique of the papacy and continued the debate among the "polity of publication" about the roots (either heretical or evangelical) of Luther's reform.[66] Luther's relationship to earlier dissidents became enshrined in the Catholic heresiological catalogues and taxonomies, which proliferated in the first half of the 1520s and sought to tie Luther to the ancient enemies of the church. The expansion of this genre, however, provided additional evidence for the fact that Luther's attacks on Rome drew on a thousand-year tradition of critique that had questioned the legitimacy of papal claims to sovereignty over Christendom.[67]

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64 Oberman refers to Luther's conviction that Hus's death marked the onset of the final struggle with Antichrist as Luther's "second reformation discovery." See Oberman, "Hus and Luther," 155–61.

65 On these responses to Luther after Leipzig, see Christoph Volkmar, "Von der Wahrnehmung des Neuen: Die Liepziger Disputation in den Augen der Zeitgenossen," in *Die Leipziger Disputation 1519, vol. 1: Leipziger Arbeitsgespräch zur Reformation*, ed. M. Hein and A. Kohnle (Leipzig: Evangelische Verlagsanhalt, 2011), 131–42; Bagchi, *Luther's Earliest Opponents*, 103ff. On Henry VIII's writing against Luther, see Pierre Fraenkel, ed., *Heinrich VIII: Assertio septem sacramentorum adversus Martinum Lutherum*, *CCath* 43 (Münster: Aschendorff, 1992), here 107.

66 This is the essential argument of Euan Cameron, "Medieval Heretics as Protestant Martyrs," 185–207; on the "polity of publication," see Leif Grane, *Martinus Noster: Luther in the German Reform Movement, 1518–1521* (Mainz: Verlag Philipp von Zabern, 1994), 116.

67 On this genre of Catholic polemic, see David Bagchi, "Defining Heresies: Catholic Heresiologies, 1520–1550," in *Discipline and Diversity*, ed. Kate Cooper and Jeremy Gregory (Woodbridge: Boydell Press, 2007), 241–51.

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While Catholic responses to Luther's claims about Hus's orthodoxy were immediate and absolute in their condemnation of such a claim, the Bohemian reaction to Luther's words were more measured. A raft of Luther's publications were translated into Czech and published in the months after the Leipzig Debate but it was not until 1522 and 1523 that other Czech religious leaders sought out Luther directly.[68] In 1522, the Unity of Brethren sent a small group of students to Wittenberg, the first of five delegations that they would send by 1525, and the Unity's senior bishop, Lukáš of Prague, also entered into correspondence with Luther and sent him a catechism and apology written by the Unity in the first years of the sixteenth century.[69] In 1523 a leader of the Utraquist church would join the Brethren students in Wittenberg, seeking Luther's support for his candidacy for a leadership position in the Prague consistory. And while this personal campaign failed, it did prompt the Utraquist church to meet early in 1524 to consider how certain elements of Luther's teachings might be synthesized with the traditions of the Bohemian reformation.[70]

These initial contacts prompted both Luther and Czech authors to engage in an ongoing exchange of texts over the substantive theological differences between them. Their back-and-forth mostly concerned eucharistic theology, the role of good works in salvation, and the nature of the priesthood – hardly insignificant issues. But over the course of a decade, Luther maintained a cordial and respectful tone in his dialogue with the Bohemians that stood in stark contrast to the vitriol that characterized his relationships with Karlstadt, Müntzer, or Zwingli. Overall, Luther's interactions with the Unity of Brethren and Utraquists after Leipzig revealed certain liturgical and theological nonnegotiables upon which they simply could not compromise. Even theses areas of difference did not, however, prevent them from exchanging ideas based on a mutual respect for the other's efforts to resist papal tyranny and their shared veneration of the martyr Jan Hus.[71]

68 Czech translators and publishers preferred Luther's pastoral works to his polemics. See Rudolf Říčan, "Tschechische Übersetzungen von Luthers Schriften bis zum Schmalkaldischen Krieg," in *Vierhundertfünfzig Jahre lutherische Reformation 1517–1967*, ed. Franz Lau (Göttingen: Vandenhoeck & Ruprecht, 1967), 282–301.

69 Amedeo Molnár, "Luthers Beziehungen zu den Böhmischen Brüdern," in *Leben und Werk Martin Luthers von 1526 bis 1546*, 2 vols., ed. Helmer Junghans (Göttingen: Vandenhoeck & Ruprecht, 1983), 1:627–39.

70 For an analysis of Luther's initial impact on the Utraquist church, see Winfried Eberhard, *Konfessionsbildung und Stände in Böhmen, 1478–1530* (Munich: Oldenbourg, 1981), 139–81. Cf. David, *Finding the Middle Way*, 45–79.

71 For an overview of these interactions and the theological issues at their heart, see Phillip Haberkern, "Martin Luther's Understanding of Earlier Reformers," in *The Oxford*

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The startling diversity of responses to Martin Luther's defense of Jan Hus's orthodoxy during the disputation at Leipzig reveal how significant that declaration was at the time. From one perspective, it cemented the idea that Luther's critique of papal and conciliar authority posed an existential threat to the church and religious peace in the Holy Roman Empire. From another, the recognition that Hus had been killed for holding fundamentally evangelical positions on the nature of the church identifed the papacy and its agents as irredeemably wicked. From either perspective, the conflict over authority and the definition of heresy that Eck brought to the fore in the Leipzig Debate revealed irreconcilable differences in how the church was conceived by Luther and his opponents, while also providing Luther with historical and contemporary allies in his struggle to redefine the Christian community. One of the great ironies of Leipzig was that Eck's rhetorical *coup de grâce* in forcing Luther to defend the heresiarch Hus led the Saxon professor to engage more broadly and deeply with what this identification meant. The ensuing search, conducted through personal contacts and a close reading of Hus's words, helped Luther to articulate the reasons for a decisive break from Rome, offering him proof of the ecclesiastical hierarchy's diabolical subversion and providing a potential model for a church without a pope.

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CHAPTER 10

Councils after Leipzig: Luther's Interpretation of Nicaea from the Leipzig Disputation to *On the Councils and the Church* (1539)

Paul Robinson

1 Introduction

The history of the Reformation reached a critical turning point, in many ways more important than the controversy surrounding the indulgence theses, when Martin Luther admitted during his disputation with Eck at Leipzig that he believed councils could err and had erred. Up to that point, Luther had been regarded by many as a conciliarist, and he himself fostered that impression when he filed a legal appeal from the judgment of the pope to that of a general council.[1] Even if the idea that Luther was a wholehearted conciliarist had been an illusion all along, that illusion was shattered at Leipzig. Still, his understanding of and commitment to conciliar theory retained a certain complexity.[2] Although he had resoundingly rejected the Council of Constance, and particularly its condemnation of Jan Hus, he had relied throughout the disputation on the canons of earlier church councils, especially Nicaea, for ammunition in

1 "Appelatio F. Martini Lutheri ad Concilium" (1518), *WA* 2:36–40. On Luther as a conciliarist, the two most important treatments are Christa Tecklenburg Johns, *Luthers Konzilsidee in ihrer historischen Bedingtheit und ihrem reformatorischen Neuensatz* (Berlin: Verlag Alfred Töpelmann, 1966); Christopher Spehr, *Luther und das Konzil: Zur Entwicklung eines zentralen Themas in der Reformationszeit* (Tübingen: Mohr Siebeck, 2010).

2 For the best of recent literature on late medieval conciliar theory, in addition to chapter three in this volume, see Giuseppe Alberigo, *Chiesa Conciliare: Identità e significato del conciliarismo* (Brescia: Paideia Editrice, 1981); Antony Black, *Council and Commune: The Conciliar Movement and Its Fifteenth-Century Heritage* (London: Burns and Oates, 1979); Johannes Helmrath, *Die Basler Konzil, 1431–1449: Forschungstand und Probleme* (Köln: Bohlau, 1987); Werner Krämer, *Konsens und Rezeption: Verfassungsprinzipien der Kirche im Basler Konziliarismus* (Münster: Aschendorff, 1980); Hermann Josef Sieben, *Traktate und Theorien zum Konzil: Von Beginn des grossen Schismas bis zum Vorabend der Reformation (1378–1521)* (Frankfurt am Main: Verlag Josef Knecht, 1983); Phillip H. Stump, *The Reforms of the Council of Constance (1414–1418)* (Leiden: E. J. Brill, 1994); and Brian Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism* (Cambridge: Cambridge University Press, 1955).

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his argument against papal authority. Nicaea played a critical role in Luther's critique of papal authority because its canons bore authoritative witness to a time prior to widespread acceptance of the idea that the pope was the supreme head of the whole church.

Luther would return to the Council of Nicaea in the years following Leipzig to expand on its critique of the papacy, but he also grew more critical of the council itself, particularly in its dealings with other matters. By the time he wrote *On the Councils and the Church* (1539), the Council of Nicaea had become an important example of the limits of conciliar authority and prime evidence for Luther's conviction that all councils, including this preeminent one, were creatures of the word of God rather than its masters. In the course of this development, Luther focused increasingly on the history of Nicaea rather than simply quoting its canons. The stories he found in the historical sources, and no doubt knew prior to Leipzig, increasingly shaped his thinking about the council as an example of the fallibility of even the most exemplary councils and church fathers. In this way, Leipzig placed him on a trajectory that would lead ultimately to a seemingly contradictory view of the church and its councils – an understanding that recognized the church's sweeping power to legislate so long as it was done with the proviso that such legislation was human rather than divine, and for that reason not valid and authoritative for all time and everywhere. This essay will tell the story of this development in Luther's thought by looking at his use of the Council of Nicaea first at Leipzig, then from Leipzig to the papal call for a council in 1536, and finally in *On the Councils and the Church*.

2 The Council of Nicaea in the Leipzig Disputation

The Council of Nicaea played an important role in Luther's argument against a divine foundation for papal primacy. In the resolutions prior to his debate with Eck and in the debate itself, Luther used the legislation of Nicaea to demonstrate that the powers the papacy claimed in his day had not been recognized by the council. In *Resolution on the Thirteenth Thesis concerning the Power of the Pope*, Luther published the fruits of his research in canon law and church history on the subject of papal primacy.[3]

Luther's *Resolution* quoted the council's sixth canon, which states, "The ancient custom in Alexandria and the city of Rome is to be maintained whereby

3 See Martin Brecht. *Martin Luther: His Road to Reformation, 1483–1521*, trans. by James L. Schaaf (Minneapolis: Fortress Press, 1985), 307–09, as well as chapter six in this volume.

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[the bishop of the former] has charge of Egypt, while [the bishop of the latter] has charge of the suburbicarian churches."[4] He draws out the canon's significance in three ways. First, he asserts that it demonstrates that papal primacy over the entire church is not recognized in this canon. Instead it gave the same regional oversight to the bishop of Rome that it recognized for the bishop of Alexandria. "It does not in any way," Luther concluded, "give primacy and monarchy to the Roman Pontiff."[5] Second, the authority Nicaea did give to the bishop of Rome over the local church came by analogy to the authority of the bishop of Alexandria, which was an authority grounded in ancient custom rather than divine right.[6] Third, Luther asserted that these conclusions had particular force because of the authority of the Nicene council. The decree of this "most sacred of all councils," as Luther put it, clearly stood against the decrees asserting papal primacy by divine right. He continued by absolving himself from more recent papal claims by holding to Nicaea, giving as his reason, "I am not able to serve two contrary masters."[7]

It must be noted here, however, that the canon in the text of Rufinus, as quoted above, differs from the original Canon 6 in a way that is significant for Luther's argument.[8] The original Greek text of the canon is not as specific about the region governed by the Roman bishop, noting only that "a similar custom exists with reference to the bishop of Rome."[9] The phrase "suburbicarian churches" is a gloss on the canon added by Rufinus himself or someone who preceded him. In either case, the addition might have been a way of limiting the power of the bishop of Rome by confining it to central and southern Italy – the *suburbicariae regiones*, one of the two regions into which the diocese of Italy was divided. For whatever reason, the version of the canon quoted by Rufinus also differs from the earlier Latin version that began by stating, "The Roman Church always had the primacy."[10] Had Rufinus used that version of the canon in his history, its usefulness for Luther would have been severely compromised. In fact, Luther continued to use Rufinus's version of the canon

4 Rufinus of Aquilea, *History of the Church*, trans. by Philip R. Amidon (Washington, D.C.: Catholic University of America Press, 2016), 388 (10.6).

5 *WA* 2:238.

6 *WA* 2:238.

7 *WA* 2:238.

8 Rufinus had translated Eusebius's *Church History* into Latin with two additional books, bringing the history up to his day. Part of this added material dealt with the Council of Nicaea. Luther encountered Rufinus early on and received through his account, according to Hans-Ulrich Delius, his fondness for Nicaea. Hans-Ulrich Delius, "Zu Luthers historische Quellen," *LutherJahrbuch* 42 (1975): 71–125, at 104.

9 Rufinus, *History of the Church*, 388 n. 12 (10.6).

10 Rufinus, *History of the Church*, 388 (10.6).

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even after the text of Pierre Crabbe, which hewed much more closely to the original, became available in 1538.[11]

A second point Luther made in *Resolution* that relied on Nicaea had to do with the ordination of bishops. He refers to Canon 7 in Rufinus, which is the second part of Canon 6 in the earlier versions: "If by chance in ordaining a bishop two or three should disagree for some reason, the authority of the rest of them, and especially that of the metropolitan with the rest, is to be considered more valid."[12] From this canon, Luther observes that, according to the Council of Nicaea, "all bishops were not ordained by the bishop of Rome but by the provincial bishops."[13] His implication is that this practice ran contrary to those who claimed all such power in the church for the papacy.

In much the same vein, moving on to Canon 8 in Rufinus's numbering, Luther referred to the fact that Nicaea recognized a "primacy of honor" for the bishop of Jerusalem and not for the bishop of Rome. The canon reads, "The precedence in honor given of old to the bishop of Jerusalem is to be preserved, the dignity of the metropolitan of that province being maintained nonetheless."[14] After quoting the canon, Luther asks immediately, "Teach me, dear reader, how this ought to be done, when it is not enough for me to confess nowadays that the Roman pontiff has first place except that I also lie and deny that another of old had first place and that I resist the authority of so great a council."[15] Once again, Luther pits the authority of Nicaea against the authority of the papacy.

When it came time to debate Eck on these subjects in public at Leipzig, the ideas that Luther had worked out so carefully in his *Resolution* remained, although they were of necessity presented in a more fragmented and less cogent form. For example, even as he expanded the argument against papal authority from the ancient manner of episcopal ordination by quoting Cyprian and Augustine, he continued to appeal to "the most sacred Nicene Council" as the ultimate authority for the practice.[16] Eck responded by stating that this argument "neither promotes nor impedes the matter at hand," thus evading for the moment Luther's appeal to the council.[17] Luther's reply urged the status of Nicaea in more extreme terms: "Therefore the Nicene decree still stands, or if it does not stand and causes [something] to stand against divine law, it ought

11 On Crabbe and his work, see Delius, "Zu Luthers historische Quellen," 81–83.
12 Rufinus, *History of the Church*, 388 (10.6).
13 *WA* 2:238.
14 Rufinus, *History of the Church*, 389 (10.6).
15 *WA* 2:238.
16 *WA* 59:438.
17 *WA* 59:447.

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to be called not a catholic council but a diabolical little council [*diabolicum conciliabulum*]."[18]

Likewise, Luther appealed to Nicaea to support the claims he had made for the Greek church. If it was necessary for salvation to be subject to the Roman pontiff, he observed, then numerous saints of the Greek church would have to be considered heretics consigned to hell. Luther pointed out that, in fact, many Greek Christians had been welcomed into Italy after the fall of Constantinople, and he added for good measure that at the time of the Council of Nicaea there were many "virtuous Christians" in the East who were not subject to the Roman pontiff.[19] In support of this statement, he appealed to Canons 6 and 7 as he had in *Resolution*.[20]

When Luther returned to Nicaea again in response to Eck, he widened the field of argument concerning the ordination of bishops to discuss instances of bishops being deposed. In support of the position of "the sacred Council of Nicaea" on the question, he adduced the example of Pope Victor, who had attempted to excommunicate all the bishops of Asia in the course of the Easter Controversy [ca.190/91]. The other bishops, however, "commanded him to be silent and ordered him not to disturb the church."[21] In addition, Luther pointed out that the "most Christian men" Jerome, Gregory Nazianzus, and Basil had not been ordained by the bishop of Rome but "were ordained by the provincial bishops in accord with the statute of the Council of Nicaea."[22] Then, responding directly to Eck's reference to Pope Julius I deposing Emperor Arcadius, Luther went to the heart of the debate concerning more recent papal claims by citing the example of Pope Boniface VIII.[23] That Pope Julius I had excommunicated Emperor Arcadius "adds nothing to the matter," Luther replied, "for Boniface VIII, too, dared to wish to remove the king of France from his throne."[24] For Luther, such instances said more about papal pretensions than they did about the popes' God-given power. The attempt "does not prove the right, [but that] whatever the Roman pontiffs [did], they were tempted by human fragility at the time."[25]

18 *WA* 59:447.
19 *WA* 59:475.
20 The numbering of the canons given here is that of Rufinus.
21 *WA* 59:496. Cf. Rufinus, *History of the Church*, 225–26 (24.10).
22 *WA* 59:496.
23 The incident to which Eck refers took place in 407 but he has confused Julius I, who died in 352, with Innocent I. See *WA* 59:483 n. 302.
24 *WA* 59:496.
25 *WA* 59:496.

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Nicaea came to Luther's defense once again when Eck had accused him of being a follower of Jan Hus and cited his condemnation by the Council of Constance. Luther complained, "To the authorities I have cited … [Eck], as is his habit, replied with nothing, except that he repeated [what he had said about] the Council of Constance and the Hussites." Luther added that Constance had not done away with his authorities "for the far more sacred and more celebrated Council of Nicaea established other things."[26] Luther then restated his previous conclusion that however much a council might be deputized by the church, "it nevertheless does not have divine right."[27]

With the mention of the Council of Constance, we reach the most significant result of the debate. In response to Eck's accusation of Hussitism and his appeal to Constance, Luther admitted publicly that councils could err and had erred. The question is what that admission meant for Luther's understanding of the Council of Nicaea. Given Luther's reliance on that council in the debate, his appeals to its canons, and his characterization of it as "sacred" and "most sacred," we should not hastily conclude that he would have admitted at the time that Nicaea had, in fact, erred. His high regard for Nicaea survived his encounter with Eck. In fact, only in the years following the disputation did Luther reflect on other aspects of the Council of Nicaea – aspects that informed his fundamental critique of the council in *On the Councils and the Church*.

3 The Council of Nicaea after Leipzig: New Stories for New Challenges

In the years following Leipzig, Luther pressed the points he had made concerning the legislation of Nicaea. He continued the argument with Eck himself in *Against the Lying Judgment of John Eck* and *The Letter of Martin Luther to John Eck*.[28] He also appealed to Nicaea in his defense when he wrote to Jerome Emser, who had warned his Bohemian friends against Luther after Leipzig.[29] In addition, Luther reiterated these arguments regarding Nicaea and papal primacy when he wrote to the German princes in *To the Christian Nobility* in 1520.[30] Such examples could be multiplied, but the point is that Nicaea continued to play a significant role for Luther in the argument against papal claims to universal authority.

26 *WA* 59:513.
27 *WA* 59:513.
28 *WA* 2:627, 642, 652–53; *WA* 2:701.
29 *WA* 2:666, 672, 674.
30 *WA* 6:413, 429; *LW* 44:137, 158.

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Luther's use of Nicaea developed after Leipzig, however, with regard to the narrative history of the council. In other words, he paid attention to the people involved in the council and to its various controversies in addition to reading its canons. Two men in particular, who were part of the story of Nicaea, became prominent in Luther's thinking during the time between Leipzig and *On the Councils*: Paphnutius and Constantine.[31] Both were used by Luther as examples to demonstrate the entirely human fallibility of the council fathers, and both would become significant for his later judgment concerning the nature and utility of church councils.[32]

Paphnutius seems an unlikely exemplar, since next to nothing is known about his life.[33] What was known about him, however, was enough to make him a hero in Luther's eyes because it had to do with his opposition to requiring clerical celibacy. Luther's first published mention of Paphnutius came in *The Judgment of Martin Luther concerning Monastic Vows*.[34] Luther, first of all, summarized stories about Paphnutius and Saint Anthony from the *Lives of the Fathers*, an early collection of biographical stories about the famous monks of the Egyptian desert. Luther relates incidents in their lives that show the monastic life is not superior to other forms of Christian life.

> Most appropriate in this connection are those wonderful stories in the *Lives of the Fathers* where, by authority of divine oracle, that Alexandrian tanner was regarded as equal, indeed, superior to Anthony, where the married were regarded more highly than the virgin or celibate, the citizen than the monk, the common man than the father of monks. Or again, that story where two married women and a certain piper who had at one time been a robber were made equal to Paphnutius, an abbot of Thebes.[35]

Stories like this demonstrated for Luther the conflict of early monasticism with monasticism as it had come to be understood in his day. In fact, Luther believed that the papacy had played a key role in allowing vows of celibacy to be

31 Spehr cites the Paphnutius legend as one of the reasons for the change in Luther's opinion of Nicaea, *Luther und das Konzil*, 345.

32 In writing against King Henry VIII, Luther first voiced publicly his criticism of Nicaea and its legislation as beginning the decline of the church. Spehr, *Luther und das Konzil*, 344–45.

33 It has been suggested that Paphnutius is a product of hagiography rather than a historical person. Spehr, *Luther und das Konzil*, 308 n. 270.

34 Luther had first referred to the story of Paphnutius in conversations that followed the Leipzig debate. Spehr, *Luther und das Konzil*, 307–08.

35 *LW* 44:308; *WA* 8:612.

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imposed on all clergy in imitation of the monks and saw the beginning of this move at Nicaea.

> What has happened with these vows is what began to happen at the Council of Nicaea on the subject of continence. For some years priests and bishops had lived as celibates of their own volition; then certain persons began to try to turn this example into a commandment and thereafter to compel celibacy as a matter of conscience. By this time faith and the gospel had already grown weak to this extent, even in this holy synod, and the traditions of men were growing strong. But a certain Paphnutius resisted the whole council and prevented any legislation on the matter of celibacy. It remained for the Roman Antichrist to bring this idolatry to pass.[36]

The Council of Nicaea was still for Luther the best of the councils, but it had also become, with the help of Paphnutius, an example of how "faith and the gospel had already grown weak." Luther referred to Paphnutius one more time in his *Judgment* in connection with the idea of monasticism as a defection from the gospel and faith. He began with the story from the *Lives of the Fathers* concerning St. Silvanus, who had a vision in which he saw hell filled with monks. "It seems," Luther concluded, "that God revealed this vision to show the working of the error just beginning at that time and to put an end to it."[37] God wanted to do this by other signs also, including those of Paphnutius. Luther added for good measure that the *Lives of the Fathers* included "many other very dangerous examples … of those who rail madly against the doctrine of faith in favor of works."[38] When Luther reflected on the story of Paphnutius at Nicaea, he saw how that council, too, had flirted dangerously with works in the matter of enforced celibacy.

Every account of the Council of Nicaea to which Luther had access mentioned Paphnutius, but not every one of them told the story of his stand against the rest of the council fathers. Rufinus, for example, reports that "the man of God Bishop Paphnutius from Egypt" attended the council, adding that he suffered under Maximian's persecution and performed miracles.[39] Rufinus also reported, "Constantine regarded him with such veneration and love that many

36 *LW* 44:316; *WA* 8:616–17.

37 *LW* 44:382; *WA* 8:657.

38 *LW* 44:382; *WA* 8:657. Despite this opinion, Luther often used these stories and had Georg Major prepare an edition of them for which he provided a preface. *LW* 44:308, n. 75.

39 Rufinus, *History of the Church*, 383 (10.4).

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times he called him into the palace, embraced him, and bestowed fervent kisses on the eye which had been gouged out in his confession of faith."[40] Rufinus did not, however, record how Paphnutius opposed the rest of the council. Both Socrates Scholasticus and Sozomen did record the story of the debate over enforced celibacy for the clergy, and Luther read their accounts as paraphrased by Cassiodorus in his *Historia tripartita*.[41] "The synod, however," Cassiodorus writes, "wishing to correct the life of men … adopted laws that we call canons."[42] One proposed law would have required bishops, presbyters, deacons, and subdeacons, who had been married before their ordination, to nevertheless refrain from sleeping with their wives. "However, the confessor Paphnutius, rising up in their midst, spoke against this, saying that honorable marriage was chastity."[43] Paphnutius said this even though he was, to use Cassiodorus's word, "inexperienced" when it came to marriage.[44] The council praised his opinion and refrained from commanding anything with regard to such marriages.

Luther found the figure of Paphnutius appealing for his stand against requiring celibacy, especially since he had been upholding ancient tradition against a proposed new law. After 1521, Luther often cited Paphnutius as an example in sermons and lectures, whether this was based on the stories in the *Lives of the Fathers* or the story of his stand at Nicaea.[45] On these occasions, Luther was using Paphnutius to criticize monasticism. He did, however, return to Paphnutius later in a different context. In 1536, Luther wrote *Disputation on the Power of a Council*, part of a flurry of writing aimed at the papal call for a council.[46] In the *Disputation*, Luther used the story of Paphnutius at Nicaea in a way that continued to bridge the gap between Leipzig and his later understanding of that council. Thesis 14 states, "Just as the Council of Nicaea avoided error by the virtue of one Paphnutius, so in this way Christ was supporting his church."[47] Luther returned to Paphnutius in thesis 28 to point out that he had resisted a multitude when he stood up for the truth. Then, in theses 29–30,

40 Rufinus, *History of the Church*, 383 (10.4).

41 Cassiodorus Senator, *Historia tripartita* (Lyon: Jacobus Giuncti, 1534), 2.14. *Decretum Gratiani* reproduces Cassiodorus's version at *Decreti prima pars*, dist. 31, c. 12, in *Corpus Iuris Canonici*, ed. Emil Friedberg, 2 vols. (Leipzig: Tauchnitz, 1879), 1:114. On Luther's use of the *Historia tripartita*, see Delius, "Zu Luthers historische Quellen," 109.

42 *Historia tripartita*, 2.14.

43 *Historia tripartita*, 2.14.

44 *Historia tripartita*, 2.14.

45 *WA* 10.1.2:142, 337; *WA* 10.3:262; *WA* 15:662; *WA* 17.2:112; *WA* 25:18; (*WA* 30.3:454–55); *WA* 31.2:311; *WA* 32:68b; *WA* 40.1.2:203a; *WA* 47:601.

46 See Spehr, *Luther und das Konzil*, 449–53.

47 *WA* 39.1:186a.

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Luther compares Paphnutius with the Czech reformers Jan Hus and Jerome of Prague.

29. In the Council of Nicaea, one Paphnutius resisted the council, nevertheless he was not burned but praised.
30. In the Council of Constance, two *Paphnutii*, armed with Scripture, resisted, nevertheless they were not praised but burned.[48]

The reference to Constance echoes the arguments of Leipzig and Luther's assessment of that council in the debate. Yet the mention of Paphnutius contains a criticism of Nicaea, as well, since it would have been in error except for the courage of this one man. This is a theme to which Luther would return in his final judgment on the nature and use of church councils in *On the Councils and the Church*.

The other figure from Nicaea frequently cited as an example by Luther in the years following Leipzig was Emperor Constantine. Constantine was, of course, far better known and much more well documented than Paphnutius, and Luther's references to Constantine are varied as a result. For Luther, Constantine was the emperor who triumphed over Arius by calling the Council of Nicaea,[49] the Christian emperor who ended persecution and pagan abuses,[50] and even the emperor who was believed falsely to have handed over the Western Roman Empire to the pope.[51] Two aspects of Constantine's involvement with the Council of Nicaea, however, receive special attention from Luther: the fact that he and not the bishop of Rome convoked the council and the way he commanded the bishops at the council. First, Luther used the fact of Nicaea's convocation to appeal to the secular authorities to involve themselves in the reform of the church, for example, in *Address to the Christian Nobility*: "The bishop of Rome did not call or confirm the most famous Council of Nicaea but the emperor Constantine, and after him many other emperors themselves

48 *WA* 39.1:187a.

49 *WA* 30.1:209; *WA* 41:278; *WA* 42:35b.

50 *WA* 42:274; *WA* 45:30b.

51 *WA* 50:101. This story was related in the *Donation of Constantine*, a supposedly ancient text that told how Constantine, when he departed for his new city of Constantinople, gave territory in Italy and rule in the West to the pope. Though many in the Middle Ages doubted this account, it nevertheless made its way into papal pronouncements against the emperors in the eleventh century. Lorenzo Valla demonstrated conclusively in 1440 that it was a forgery based on his knowledge of classical writing and fourth-century Latin. Luther read Valla's work in an edition by Ulrich von Hutten and later published his own German translation of the *Donation* with comments, *WA* 50:65–89.

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did the same."[52] In 1520, Luther was assuring the nobility that popes did not have the sole authority to convene a church council. By 1528, he was justifying the involvement of the government of Electoral Saxony in church visitations with an appeal to Constantine's action in calling the bishops together to hear the case of Arius. He assured his readers that the secular authority was responsible for making sure that no "sedition, heresy, and rioting" disturbed the peace "just as Emperor Constantine required the bishops to go to Nicaea" to settle the discord created by Arius's teaching.[53]

Luther was well aware that Constantine's involvement at Nicaea went beyond merely convening the council and assembling the bishops. He delighted in the firm hand the emperor took in dealing with the bishops, whom he had begun to realize were in many ways not very different from the bishops in his own day. Preaching on John 16 in 1528, Luther came to the words of Jesus about the Holy Spirit in verse 14: "He will glorify me because it is from me that he will receive what he will make known to you."[54] Luther contrasts what the Spirit would receive from Christ with the rules for which the pope claims the inspiration of the Spirit. If the pope and his bishops say the same thing as the Spirit, that "Christ is God and man, who died for us, and redeemed us from sin," then we would say that they have given a good testimony. But the testimony of popes and councils adds nothing to the Spirit's testimony, which leads Luther to mention the Council of Nicaea. "The Council of Nicaea was not pure. The deity of Christ was preserved in it, but it was a priests' fight. Constantine burned all the letters of the bishops. There were disagreements among the bishops and they wanted to be judged by Caesar."[55] Luther refers here to a story recorded about Constantine and the Council of Nicaea. Rufinus gives the following version:

> Now I do not think it right to omit the marvelous thing which the sovereign did in the council. For when the bishops had come together from almost everywhere and, as usually happens, were submitting complaints against each other arising from various causes, he was constantly being importuned by each of them, petitions were being offered, wrongdoings were being brought up, and they were giving their attention to these matters rather than to the purpose of their gathering. But he, seeing that these quarrels were hindering the most important business at hand, set a certain day on which any bishop who thought he had a complaint to make

52 *WA* 6:413; *LW* 44:137.
53 *WA* 60:200.
54 New International Version.
55 *WA* 28:52.

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> might submit it. And when he had taken his seat, he accepted the petitions of each. Holding all the petitions together in his lap, and not disclosing what they contained, he said to the bishops, "God has appointed you priests and given you power to judge even concerning us, and therefore it is right that we are judged by you, while you cannot be judged by human beings. For this reason, wait for God alone to judge among you, and whatever your quarrels may be, let them be saved for that divine scrutiny. For you have been given to us by God as gods, and it is not fitting that a man should judge gods, but only he of whom it is written, 'God has stood in the assembly of the gods, in its midst he has judged between gods.' And therefore put aside these matters and, free from contentiousness, give your attention to making decisions concerning the faith of God." Having spoken thus, he ordered all the petitions containing complaints to be burned up together, lest the dissension between priests become known to anyone.[56]

The contrast between Constantine's humble words and bold action was not lost on Luther. In his telling, he focuses on the pettiness of the bishops rather than on the lofty status attributed to them by Constantine. He concludes that not even Nicaea, the greatest of all church councils, was pure but was in reality "a priests' fight." That conclusion would be writ large in 1539 when Luther penned *On the Councils and the Church*.

4 Council of Nicaea and *On the Councils and the Church*

In 1539, Luther brought further depth and clarity to his thinking about the nature of church councils as he continued his response to the papal call for a council in *On the Councils and the Church*. The pope had announced his intention to call a council in 1535, and Luther had received the papal legate Pietro Paolo Vergerio in Wittenberg in November of that year to discuss the summons. The Lutheran princes greeted the prospect of a papal council with consternation, since it would undermine their own frequent appeal for a free council of the church to meet in Germany. Luther wrote copiously in response to this crisis, beginning with the *Disputation on the Power of a Council*. With this text, he began what Martin Brecht has described as "virtually a new pamphlet war"

56 Rufinus, *History of the Church*, 380–81 (10.2). Cassiodorus records Sozomen's version of the event, *Historia tripartita*, 2.2.

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with the papacy.[57] *On the Councils and the Church* would be Luther's greatest salvo during that war.

Though perhaps most famous for its enumeration of the seven marks of the church, *On the Councils* was a profoundly historical project for Luther. In it, he reiterated his historical critique of papal authority and added to it a strong critique of the councils. He did not spare criticism of Nicaea in this text. In fact, he criticized even that most important council in order to demonstrate the real place of church councils as servants of God's word rather than its masters. The approach to Nicaea that Luther had adopted in the decades after Leipzig reached its full and final form in this treatise.

In the first part of *On the Councils*, Luther claims not only that the pope's call for a council is unnecessary, but that it is impossible to follow all the legislation of the church, including that of the general councils. To demonstrate this, he singles out several of the canons of the Council of Nicaea for extensive commentary precisely because, as he admitted, it "is the best and the first principal council after that of the apostles."[58] Among these canons was Canon 6, which Luther had invoked against papal authority in *Resolution* and many times since.

> The same council likewise decreed that the Roman bishop should, in accordance with an old custom, take charge of the suburbicarian churches just as the bishop in Alexandria had charge of those in Egypt. I cannot and will not explain the word *suburbicariae* because it is not my word, but it seems to mean the churches located up to that time in Italy around the Roman churches, just as the churches in Egypt were adjacent to the churches in Alexandria. Let whoever wants to interpret it do so, but I still understand it to mean that this council gave the bishop of Rome no dominion over his surrounding churches, but entrusted them to his care; and it did not do so as though it had to be done "by divine right," but because of an old custom. Custom, however, does not mean *scriptura sancta* or God's word. Furthermore, it took the churches of Egypt (also in keeping with an old custom) away from the bishop of Rome and entrusted them to the bishop of Alexandria. Likewise, it is to be assumed that the

57 Martin Brecht, *Martin Luther: The Preservation of the Church, 1532–1546*, trans. by James L. Schaaf (Minneapolis: Fortress Press, 1987), 188.

58 A reference to the meeting of the apostles in Jerusalem as reported in Acts 15. It was often referred to as the Jerusalem Council and considered by many to be the first council of the church. "On the Councils and the Church," in *The Annotated Luther, Volume 3: Church and Sacraments*, ed. Paul W. Robinson (Minneapolis: Fortress Press, 2017), 349; *Annotated Luther* hereafter abbreviated *AL*.

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> churches in Syria were entrusted to the bishop of Antioch or Jerusalem, since they are farther away from Rome than Alexandria or Egypt.[59]

Luther has changed nothing from his basic argument at Leipzig. He still emphasizes the canon's geographic limitations of papal power as well as its intimation that the power of any bishop over other churches was a matter of custom rather than divine mandate. Luther does, however, draw a more sharply worded conclusion from this analysis.

> Now if this council is to be valid in our churches and go into effect, we must first condemn the bishop of Rome as a tyrant and burn all his bulls and decretals. There is no bull or decretal in which he does not boast vociferously and menacingly that he is supreme head and lord of all the church on earth, to whom everyone on earth must be subject, if they wish to be saved. This is exactly as much as saying, "The Council of Nicaea is false, accursed, and damned for taking from me dominion over all things and for making the bishop of Alexandria my peer."[60]

Luther's accusation that the council must be "false, accursed, and damned" is, of course, meant for rhetorical impact; he does not believe this about Nicaea but rather about the papal bulls and decretals that assert papal primacy. The chief example would be the bull *Unam Sanctam*, promulgated by Boniface VIII, whose wording Luther paraphrases: "to whom everyone on earth must be subject, if they wish to be saved."[61]

As much as Luther delights in assaulting the bastion of papal primacy with the canons of Nicaea, he has also definitively moved beyond his earlier assessment of that council. His use of history is no longer limited to searching for traces of the development of the papacy and its claims. Instead, through his reading and thinking about the history of the church, he has broadened his perspective and placed even the councils firmly in a historical context. That context itself, he argues, limits their reach and their claim on the church in his own day. "Anyway the Turk and the sultan," he writes, "long ago so interpreted and invalidated this article [Canon 6] by destroying Alexandria that neither we nor the pope need concern ourselves with it. Thus we learn that

59 *AL* 3:356; *WA* 50:537–38.

60 *AL* 3:356; *WA* 50:537–38.

61 Heinrich Denzinger, *Enchiridion symbolorum definitionum et declarationum de rebus fidei et morum*, 33rd ed. (Freiburg: Herder, 1965), 279–81. For an English translation see Ray C. Petry, *A History of Christianity*, 2 vols. (Englewood Cliffs, NJ: Prentice Hall, 1962–64), 1:505–06.

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the articles of the councils are not all to be kept forever, like articles of faith."[62] Luther reinforces this lesson on distinguishing between articles of faith and other conciliar legislation with a reference to Paphnutius. Here Luther adds his own speculation about how, despite the opposition of Paphnutius, Nicaea had moved down the path toward requiring clerical celibacy.

> It is recorded that he won out, but these two decrees sound as though the bishops had proceeded to forbid wives anyway, for there were also many incompetent, false bishops in the pious crowd and holy council, such as the Arians and their gang (history clearly shows that), who perhaps contributed to this too.[63]

Once again, Luther shows how he has come to see the Council of Nicaea as the beginning of the decline of the church.

History did not, perhaps, clearly show everything Luther thought it did. There were only 17 Arian bishops at Nicaea out of a total, according to Luther's sources, of 318. Ernst Schäfer concludes that Luther's statement results not from historical fact but from his aversion to enforced celibacy and his wish not to implicate the orthodox fathers in this legislation.[64] Likewise, the original of Canon 6, as noted above, did not contain the word *suburbicarian* that carried so much weight in Luther's interpretation. Luther continued to use Rufinus's version of the canons of Nicaea, even though by the time of *On the Councils* there was a better version of the text available and known to him. Pierre Crabbe's *Concilia Omnia* had just been published in 1538 in Cologne and claimed to cover all the councils in its two massive volumes.[65] Luther referred to it at the beginning of the first part of *On the Councils*. "Many of the papists," he wrote, "occupied themselves for years with the councils and the fathers, until they finally gathered all the councils into one book, which appeals to me, since I never before found all the councils together."[66] The two different versions of the canons found in *Concilia Omnia* are both closer to the early versions than the version of Rufinus.[67] Why Luther did not use Crabbe's version

62 *AL* 3:356–57; *WA* 50:538.

63 *AL* 3:357; *WA* 50:539.

64 Ernst Schäfer, *Luther als Kirchenhistoriker: Ein Beitrag zur Geschichte der Wissenschaft* (Gütersloh: C. Bertelsmann, 1897), 299, n. 4.

65 Delius, "Zu Luthers historische Quellen," 81–83.

66 *AL* 3:329; *WA* 50:514.

67 Pierre Crabbe, *Concilia Omnia* (Cologne: Peter Quentel, 1538), 150a. Luther does mention that Theodoret and Rufinus do not agree about the number of canons adopted at Nicaea. *AL* 3:373; *WA* 50:553.

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must remain a matter of speculation. To be sure, that version of Canon 6 would have been less helpful for Luther's argument. Perhaps Luther's generally negative assessment of Crabbe's work also played a role.[68]

What we can say is that by the time Luther wrote *On the Councils*, these details would not have shifted his understanding of the Council of Nicaea. He had come to see it as he did all other councils, which at their best only reaffirmed the articles of faith that were clearly stated in Scripture. Legislation other than these articles of faith was, in Luther's eyes, a mixed bag. The canons of the councils might be helpful to regulate the life of the church for a time, but they would ultimately become irrelevant and need to be discarded. If they were not, even the best human legislation could become harmful for the church. For this reason, Luther had prefaced his historical treatment of the first four councils by arguing that all councils have to be interpreted and used in light of the reason for which they were called. "Actions are best understood," he writes, "by understanding that which motivates them."[69] For his account of Nicaea, that meant beginning not with the fathers but with the emperor Constantine.

"We shall now take up the Council of Nicaea," Luther writes, "which was undertaken for the following reason: the praiseworthy emperor Constantine had become a Christian."[70] Luther goes on to praise Constantine in the most glowing language, turning even his war against his brother-in-law Licinius into a virtuous enterprise grounded in "strong, earnest faith and sincerity."[71] Then Arius rudely disturbed Constantine's "fair and peaceful paradise" and "happy days."[72] Constantine, as a "very wise prince," tried to settle the matter – first with a letter and then with his ambassador – without success. When he ordered the bishops to assemble in Nicaea, his hopes for a swift resolution were dimmed by their letters of complaint. Luther relates the story of how Constantine burned these letters, since "he was not interested in the bishops' squabbles but wanted to have this article about Christ judged, and he had not convoked the council for the sake of their bickering."[73] Yet he sent them away, Luther says, "with the kind words that he would not be their judge," and he adds, "That is my idea of a wise, gentle, and patient prince."[74] In Luther's account, Constantine seems to have done much of the work at Nicaea, including keeping the main matter

68 Delius finds no confirmation for Ernst Schäfer's assertion that Luther's assessment of Crabbe was positive, "Zu Luthers historische Quellen," 81.

69 *AL* 3:366; *WA* 50:547.

70 *AL* 3:367; *WA* 50:548.

71 *AL* 3:368; *WA* 50:548.

72 *AL* 3:368; *WA* 50:549.

73 *AL* 3:369; *WA* 50:550.

74 *AL* 3:369–70; *WA* 50:550.

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in view. Constantine's involvement is profoundly significant for Luther. John Headley accurately observes that Luther saw every one of the first four councils as a model worthy of reflection not because of their legislation but because they had been convoked by the emperors.[75]

By comparison to Constantine, the bishops come off rather poorly in Luther's account. Not only did they bring their petty squabbles to the emperor, but they also adopted a legislative stance that was detrimental to the life of the church. The Easter controversy, which Luther treats at length, was a prime example for him of how these bishops wished to make laws about things that Scripture clearly states should be kept free. As a result, Luther's judgment of the canons of the council is even harsher than his judgment of the bishops who adopted them.

> Nearly all of [the canons] have long been dead, buried in the books and fallen into decay, never able to rise again, as Constantine indicated and foretold by his act of throwing them into the fire and burning them. They are not kept and cannot be kept. They were hay, straw, and wood (as St. Paul puts it)[76] built on the ground; that is why fire consumed them in time, just as other transitory things disappear.[77]

5 Conclusion

The canons, even those of the Council of Nicaea, were dead for Luther, and his study of history had helped to kill them, or at least keep them buried after they died a natural death. That is certainly the view from 1539 as expressed in *On the Councils*. Yet this view was not entirely new, either. The building blocks in the edifice of *On the Councils* had been gathered over the decades following Leipzig, and there are many profound continuities between Luther's earlier and later views of councils and authority. Christopher Spehr has observed that, after Leipzig, Luther had come to see the Council of Nicaea as the beginning of the decline of the church because of its legalization of church life. He explains this development as resulting, first of all, from Luther's engagement with the legend of Paphnutius.[78] Second, Spehr names the status that councils had for

75 John M. Headley, *Luther's View of Church History* (New Haven: Yale University Press, 1963), 168.

76 1 Corinthians 3:12.

77 *AL* 3:373; *WA* 50:553–54.

78 Spehr's observation on this point has played a key role in my approach to the topic of Luther and the Council of Nicaea. See especially Spehr, *Luther und das Konzil*, 345.

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Luther's opponents, an idea that he mocked tirelessly in *On the Councils*. Third, Spehr adduces Luther's aversion to the growth of human laws that war against the gospel.[79] All three points are still evident in *On the Councils* but in varying degrees. By 1539, Luther had come to rely more than ever on the history of the council in framing his argument.[80]

In *On the Councils*, Luther clearly approached the canons of the councils as historical documents, whose legislation not even his opponents could pretend was still in force. It is in this historical sense that John Headley has described Luther's understanding and use of the church councils, especially Nicaea, as constituting a tentative norm. "Having destroyed the possibility of applying the particular ordinances of councils as models for present action," he writes, "Luther ascribed to these great councils a normative value congruent with Scripture by considering their fundamental purpose and the place occupied by the emperor in them."[81] The power and responsibility accorded to a council by Luther was negative, being essentially the "power and responsibility to condemn articles which were not in harmony with Scripture and the ancient faith."[82] Even the appeal to the ancient faith is essentially a testimony to what Scripture teaches. There was, according to Luther, a time when papal primacy was not recognized because it is not taught in Scripture. In this way, the idea of councils as even a tentative norm is grounded in Luther's understanding of history. Headley states, "Luther's discovery and appropriation of the history of the Council of Nicaea presents the most significant single example of the exploitation of the historical argument and its effective use as a tentative norm."[83]

Beginning at Leipzig, Luther came to use the councils in a way that undermined his opponents' appeal to their authority. Furthermore, following his debate with Eck, he read the history of the councils in a way that provided as many or more bad examples as good. This approach was completely consonant with his "Scripture alone" principle. In retrospect, even at Leipzig, Luther had in reality granted Nicaea only a relative authority. It was certainly better than the more recent councils, particularly the Council of Constance, but he did not appeal to it as an intrinsic authority alongside Scripture. Instead, he used its canons in order to fight on his opponent's turf – holding Eck's feet to

79 Spehr, *Luther und das Konzil*, 345.

80 Luther's use of history is shaped by the same understanding of the function of narrative that informed his preaching. See Robert Kolb, *Luther and the Stories of God: Biblical Narrative as a Foundation for Christian Living* (Grand Rapids: Baker Academic, 2012), especially chapter two, "Luther the Storyteller: The Reformer's Use of Narrative," 29–64.

81 Headley, *Luther's View*, 168.

82 Headley, *Luther's View*, 168.

83 Headley, *Luther's View*, 164.

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the fire of the "first and best" council. As evidenced by *On the Councils*, that method remained very much intact even in his later thinking on church councils. The point at Leipzig and in *On the Councils* regarding the papacy was essentially the same – the canons of Nicaea were authoritative demonstrations of a history of the early church that did not support papal claims of supremacy. With regard to the Council of Nicaea itself, in the years after Leipzig, Luther's study of its history provided solid arguments against relying on the authority of councils in the church and led him to a critical stance that helped to establish his principle of Scripture alone.

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CHAPTER 11

Luther's Later Ecclesiology and the Leipzig Debate

Jonathan Mumme

1 Luther as Obstacle to Luther

The trouble with Martin Luther's theology is, most often, Luther. His ecclesiology is no exception. What Luther thought, where his thinking went, and what has been and is to be made of his theology are often at their clearest when one has read some things *about* Luther and before one gets down to reading too much *by* him. His ecclesiology may well be the clearest example. The standard – and by that one must still note a distinctly Protestant – appropriation of "Luther's Conception of the Church" presents Luther as a perhaps unwitting but definitive reformer, whose theology – including his "idea … of the church" – was so at odds with "Roman Catholicism" that he set a "guiding vision of a new and true church in the world."[1] Though rejecting the label, Luther was definitively an "innovator," indeed the "innovating founder of a new church" and "new churches."[2] The chief facets and fruits of this ecclesiology lay, accordingly, in his recognition of the invisible and spiritual nature of the church as a communion of believers, in his emphasis on the "congregational" character of all manifestations of the universal church, and on his (early) encouragement of institutional organization based on and honoring the "priesthood of believers."[3] This standard interpretation and appropriation of Luther's ecclesiology does not bother much with the later Luther, who proves something of a disappointment in the harvesting of an understanding of the church that it labels epochal.[4] Accordingly, what is maximally important with Luther is that which was of maximal import in fueling the Protestant Reformations, which "shattered the fundamental authority on which all medieval life had rested" and "undermined the whole ecclesiastical framework which held medieval civilization together."[5] And this Luther, whose ecclesiology is ostensibly the stuff of a new church, is maximally to be found in and around the year 1519.

1 Wilhelm Pauck, "Luther's Conception of the Church," in *The Heritage of the Reformation* (London: Oxford University Press, 1968), 29–59, at 31.
2 Pauck, "Luther's Conception of the Church," 58.
3 Pauck, "Luther's Conception of the Church," 46, 49, passim.
4 Pauck, "Luther's Conception of the Church," 38–44, 48–51.
5 Pauck, "Luther's Conception of the Church," 30.

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Influenced by some ecumenical investigations and perhaps a healthy dose of skepticism about the ultimate merits of the modernity that commenced with their Martin, contemporary Luther scholars would certainly qualify the rather hagiographic portrait that lies behind the previous paragraph. Nevertheless, even in contemporary reception and presentation of Luther's ecclesiology certain significant theological prioritizations, evident also in Wilhelm Pauck's assessment, are either overtly or inherently present. These would include the prioritization of an internal element of faith to any external markers or forms of the church's life as well as the prioritization of a conceptual, hidden communion of such internal faith to any given manifestations of the church on earth – be they factual, tangible, institutional or other. Personal faith is, so to speak, out front; this internal factor is the overarching, controlling idea, and since such faith cannot be seen, all controlling ecclesiological categories are then conceptual as opposed to factual.

The problem with such ecclesiology is Luther. It is not as though Luther provides no grounds for this standard reception; certainly he did speak of the church as a communion or congregation of believers, who were, as such, hidden.[6] Instead, the problem with the ecclesiology of Luther presented above is that this is not how Luther *did* ecclesiology, certainly not in the latter part of his career and, this essay will contend, also not in and around the Leipzig Debate of 1519.

More important than conclusion-like quotes that can be plucked and baked into a pie still somewhat palatable to modern and Protestant sensibilities[7] are *how Luther engaged* and *how he was willing to engage* ecclesial affairs and ecclesiological topics that crossed his path. Luther's theology has rightly been dubbed a "science of conflict,"[8] and one certainly cannot understand his thought without seeing how he crosses swords and with whom. Yet attention to the shared ground for the given fencing match is equally important. For if one is to understand Luther, one must ask not only wherein the conflict lay,

6 *Die Schmalkaldischen Artikel* III,xii:2 (1537; in *Die Bekenntnisschriften der evangelisch-lutherischen Kirche*, 11th ed [Göttingen: Vandenhoeck & Ruprecht, 1992], 776,6–8): "[T]he church is … the holy believers and lambs, who hear their Shepherd's voice." *WA* 18:652,23 (*De servo abitrio*, 1525): "The church is hidden, the saints concealed." Whether this notion was itself epochal or at odds with the whole of some rather heterogeneous ecclesiology that was still taking shape in the West is quite another matter.

7 See Jonathan Mumme, *Die Präsenz Christi im Amt: Am Beispiel ausgewählter Predigten Martin Luthers, 1535–1546* (Göttingen: Vandenhoeck & Ruprecht, 2015), 301–33, especially to this point 320–22.

8 Oswald Bayer, *Theologie*, Handbuch Systematischer Theologie 1 (Gütersloh: Gütersloher Verlagshaus, 1994), 115–17.

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but also what grounds and convictions the sparring parties shared that allowed them to be having such a bout in the first place. "About the matter itself," namely the primacy of the Roman church, "we do not greatly disagree," Luther noted of himself and Eck in the opening lines of the *Resolutio* concerning his thirteenth thesis, "but about the causes and origin of the matter."[9] When one begins to give attention to how Luther approaches ecclesiology and what grounds he is – often without any question – willing to share with his given opponents, a set of prioritizations rather different to and indeed conflicting with those iterated above begin to emerge. These prioritizations, which will first be presented on the basis of his later works and then taken up in regard to the Leipzig Debate, can be summarized as follows: *Ecclesiologically, Luther prioritizes the factual to the conceptual, and the external to the internal*. Further, on the basis of these prioritizations in ecclesiology, *the church appears in a certain sense as subsequent to the ministry, as a regiment and institution governed by the ministers, and organized as a hierarchy*. Given these observations, one is justified in reading Luther's comment in the *Resolutio* about limited ecclesiological disagreement – and thus of broad underlying concurrence – not as a convenient rhetorical flourish, but as characteristic of the whole of his career. What separated Luther, ecclesiologically, from a significant segment – but by no means the whole – of the Late Medieval Western Church? A disagreement about the origins and underpinnings of the universal primacy of the bishop of Rome and the Roman Church did. That is theologically limited, but in the vortex of history this limited ecclesiological factor contributed to the European Reformations and the splintering of the Western Church.

2 The Factual and the Conceptual in Luther's Later Ecclesiology

To suggest that Luther's ecclesiology is guided by prioritizations of the factual to the conceptual and the external to the internal is a departure from the most popular receptions of his theology. This is, however, the direction the preaching and a host of writings from his later career point.[10] *Wider das Papsttum zu Rom, vom Teufel gestiftet* (1545), which serves as as a strange but illuminating

9 *WA* 2:185,13–14.

10 As writings, this article will especially refer to *Der 82. Psalm ausgelegt* (1530, *WA* 31/1:189–218); *Von der Winkelmesse und Pfaffenweihe* (1533, *WA* 38:195–256); *Die Schmalkaldischen Artikel* (1537, *Bekenntnisschriften*, 718–85); *Von den Konziliis und Kirchen* (1539, *WA* 50:509–653); *Wider Hans Worst* (1541, *WA* 51:469–572); and *Wider das Papsttum zu Rom, vom Teufel gestiftet* (1545, *WA* 54:206–99).

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late-career counterpart to the Leipzig Debate, can be taken as a point of departure for examining Luther's later ecclesiology. If a step is taken back from the pugnacious vitriol of a rather foul-mouthed, old Luther, significant ecclesiological data emerges. Though overlookable, perhaps the most significant facet of this writing is that Luther is ubiquitously speaking of church*es*.[11] He is indicating identifiable, regional realities that are similar to or outright synonymous with bishoprics and dioceses.[12] In referring to these ecclesial entities as "churches" Luther is not using the term in some extended sense, nor is the appellation "church" contingent upon a forgoing line of logic that has specified some concept of "church." Rather, historical, located, ecclesial entities that are similar to or outright synonymous with bishoprics and dioceses are the starting point for reasoning theologically about the church. Luther sets about ecclesiology with his feet on the ground, with ecclesial entities coming out of history confronting him in the world, and not with a concept of "church" in the singular. These churches are God's churches,[13] the dwelling places of God on earth.[14] Thus, it is very common for Luther, at least in his later career, to be speaking of the churches of, say, Alexandria, Antioch, Jerusalem and Rome;[15] of churches planted by the apostles,[16] "our church(es),"[17] "other churches," and the churches governed by sectarians.[18] In doing so he is indicating a baseline ecclesial reality that consists in a constellation of locatable, regional, ecclesial entities like bishoprics and parishes,[19] which are both localized and scattered

11 See, e.g., Pr. 1881 (1539), [Dr] *WA* 47:773,15–18.

12 For churches as bishoprics and/or dioceses, see *WA* 54:231,18–36; 235,35–37; 254,13–29; 255,2–4.29–33; 257,4–5; 258,10–16; 289,4–5; 291,7–10.

13 See *WA* 54:236,4 in the context of 235,30–236,12.

14 See Pr. 1881 (n. 11 above).

15 *WA* 50:575,10–581,14.

16 *WA* 40/I:104,9–19; 611,21–22 (Galatians Commentary, 1535).

17 *WA* 40/I:610,28; *WA* 51:529,27–30; *WA* 54:238,15–16.

18 *WA* 40/I:611,22–23.

19 Luther may, for example, find the elevation of the bishop of Constantinople to the status of patriarch questionable or even objectionable, but that there were churches of, say, Alexandria, Antioch, Jerusalem, Rome, and Constantinople, which stood as fundamental ecclesial entities governed by bishops is, at least on a historical level, a baseline ecclesiological reality; see *WA* 50:575,10–581,14. The offices of the bishops Luther sees as "offices that must have always been in the church from the beginning and remain to the end," *WA* 50:580,1–2; cf. 579,34. For the relationship of bishoprics and bishops to parishes and parsons (as part of an argument for the validity of Evangelical ordinations) see *WA* 38:237,19–238,10.

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throughout the world.[20] Of these the Roman Church is a "piece" and a "member," but not, he contends, the head.[21]

With "churches" leading Luther's ecclesiological discourse, there stands a priority of the factual to the conceptual in his theological operations. There is, so to speak, no church without churches, and the churches of which he speaks are ecclesial realities that one encounters in the world; they have locations. A strong element of locality hangs about the ecclesiology as Luther speaks of parishes with citizens of a given local as the "children of the parish"[22] and the "parson's people."[23] And locality coincides with order as parishes relate to one another and also to bishoprics in an arrangement where each bishop and parson has his allotted *Kirchspiel*.[24] Doubtless, the church has a universal element in Luther's mind. The apostles, for example, had a mandate to preach the gospel in the whole world, and thus the Gospel had been brought there.[25] On the basis of their work and their successors', churches and seats of preaching had come to exist throughout the world.[26] In his own day, however, Luther presented the activity and general purview of the clergy as locally circumscribed to given components of this universal ecclesial entity; the members of the clergy could not just preach anywhere, but rather were to minister in the place assigned them.[27] Luther even disavows the activity of so-called "Lutherans" in parishes, cities, and dominions where the "Papists" are also preaching and the local authorities do not approve of discordant operations, for "in a parish or

20 See Luther's preface to the *Smalcald Articles*, where, in view of the council summoned to Mantua he wishes for "bishoprics everywhere" and "many parishes" what "our churches" (i.e. the ecclesial structures in the lands of the Smalcald League) enjoy; *Die Schmalkaldischen Artikel* Preface:10 (*Bekenntnisschriften*, 722,7.12). See also the Latin version of the *Confessio Augustana* (1530), whose first word on the church is literally the first word of its confession of the faith: "The churches among us teach" (*Confessio Augustana* 1:1 [*Bekenntnisschriften*, 50,3–4]); cf. Jonathan Mumme, "Being Church and the Potestas Iurisdictionis: Toward a Real-Pneumatic Authority From the Lutheran Confessions Out," in *Dona Gratis Donata: Essays in Honor of Norman Nagel on the Occasion of His Ninetieth Birthday*, ed. Albert B. Collver, J. Bart Day, and Jon Vieker (Manchester, MO: The Nagel Festschrift Committee, 2015), 60–79.

21 *WA* 54:245,28–246,2.

22 *WA* 31/1:211,9; cf. 210,23.

23 *WA* 31/1:211,12.

24 *WA* 31/1:211,4–5. Cf. *WA* 38:252,18–253,24. The allotment of such pieces and portions of the church to clergy in diocesan or parish-level offices of supervision Luther ties to the term *clerus* in view of 1 Pt 5:3; *WA* 31/1:211,5–6.

25 *WA* 31/1:210,38–211,4.

26 *WA* 31/1:210,4–18.

27 *WA* 40/1:103,11–104,19. In discussing both churches and the *tota ecclesia* Luther commends vigilance for each pastor in relation to his church; doctors of theology, on the other hand, bear a responsibility of vigilance for the whole church.

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Kirchspiel it is not good to let opposing preaching out among the people."[28] For Luther this priority of the factual with its stark local element is by no means a stepping-stone on the way to the theological or to ecclesiology in some more proper sense. The chief line of argument in the most overtly ecclesiological section of his most intentionally ecclesiological work, *Von den Konziliis und Kirchen* (1539), intends to do ecclesiology with a locate-able church: "*Where* you then see or hear such as this, *there* know that this is the holy Christian church."[29] Christ is not removed from this locality, but rather present and active in it; the parish-office or parson's office (*Pfarramt*), for example, Luther names Christ's office.[30]

Locality is, to Luther's later ecclesiology, not an alternative to universality, but rather an indissoluble factor of it. There exists a catholic or universal church, a *tota ecclesia*, the "whole of Christianity" or "Christendom in the world," as the Small Catechism puts it.[31] This totality is not something that exists prior to or theologically out in front of the churches but in and through the churches together. *Wider das Papsttum zu Rom, vom Teufel gestiftet* stands again as an example, littered with references where plural elements of locality stand side by side with elements of universality.[32] There is no conceiving of this universality without the plurality of its localities. In fact, Luther believes to diagnose in the late-medieval papacy a certain illocality that pairs with what he considers the anachronism of the Roman Church's claim of primacy over the other churches. If, so to speak, the Church of Rome is the universal church, then the church is not really universal, but if the church is universal, then it is more than the Church of Rome. The Roman Church's claim to universal primacy and thereby to being the bar of the church's catholicity came about, according to Luther, only in violation and suppression of the local sovereignty of

28 *WA* 31/1:209,28–30.

29 *WA* 50:624–53; quotation 642,16–17, emphasis mine.

30 *WA* 38:243,22–23 and 29.

31 *Der Kleine Katechismus* 11,6; *Bekenntnisschriften*, 872,20 (cf. 873,24 with n. 27 above).

32 In the following citations locality is marked with underscores and universality with italics: "a lord over all bishops *in the world*" (*WA* 54:230,12–13); "terrified *the world*, oppressed all bishoprics (231,5); "all churches and bishops … *in the whole world*" (235,24–25); "over all churches *in the whole world*" (236,1); "holy bishops *in all the world*" (243,23); "head of all churches *on earth*" (254,2–3); "how many churches and bishops he instituted *in the world*" (257,4–5); "neither to the bishops nor to [the] churches *on earth*" (261,31–32); "We know that in Christendom things are set up in such a way that all churches are equal and that there is not more than *one single church of Christ in the world*" (284,10–11); "*the church* and every single church" (289,31); cf. "the whole of Christendom … *in the world*" (243,29) and "the whole of Christendom *in all the world*" (244,9).

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other bishops and churches.[33] He understood, instead, the church's universality to be a reality in which the churches planted by the apostles and their successors throughout the world share,[34] and spoke in this regard of the universal church as a body composed of its constituent parts.[35]

The multiplicity of churches that rightly lay claim to being of Christ's one church encompasses historical ecclesial realities that have apostolic underpinnings. There was, he thought, no claim to being church without claiming to be the "right, ancient, and truly apostolic church."[36] According to Luther, churches came to exist as the apostles went into the world preaching and "instituted" them,[37] an action that went hand and hand with the ordaining of bishops.[38] Regardless of any struggles with the bishops of his own day or how he might have wished them to respond to the cause of evangelical reform,[39] Luther recognized the bishops, who were equal in their authority, to be the successors of the apostles, with whom they stood in continuity as heirs to the apostolic seats.[40] Among these he numbered the seat of Rome.

Luther also exhibits a keen interest in history and historical continuity when it comes to the church, and this interest stands as another marker of the primacy of the factual to the conceptual in his mature ecclesiological thought. The church does not simply materialize here and there in history, but perpetually

33 *WA* 54:231,27–34; 234,4–5; 235,35–236,4; 299,1–4.

34 See *WA* 54:248,6–7. Each apostle, according to Luther, had "space and place" – "his location in the world" – where he preached, founded churches, and ordained bishops; see *WA* 54:253,20–36.

35 For "body" see *WA* 54:243,28–32; that diocesan ecclesial structures are the "churches" that make up this body is clear from the context. Cf. *WA* 51:487,18–20 where "body" is approached historically.

36 Pr. 1881, [Dr] *WA* 47:778,11–12. Cf. *Wider Hans Worst*, *WA* 51:478,34–479,19.

37 The irony of "institute" or "found" (*stiften*) over against the title of the 1545 treatise is telling; churches are founded by apostles and their successors and thus by Christ.

38 See n. 34 above.

39 Peter Brunner, *Nikolaus von Amsdorf als Bischof von Naumberg: Eine Untersuchung zur Gestalt des evangelischen Bischofsamtes in der Reformationszeit* (Gütersloh: Gütersloher Verlagshaus, 1961); Augustinus Sander, *Ordinatio Apostolica: Studien zur Ordinationstheologie im Luthertum des 16. Jahrhunderts,* Band 1: *Georg III. von Anhalt* (*1507–1553*) (Innsbruck: Tyrolia, 2004), esp. 70–160; Dorothea Wendebourg, "Die Reformation in Deutschland und das bischöfliche Amt," in *Die eine Christenheit auf Erden: Aufsätze zur Kirchen- und Ökumenegeschichte* (Tübingen: Mohr Siebeck, 2000), 195–224; Timothy Wengert, *Priesthood, Pastors, Bishops: Public Ministry for the Reformation & Today* (Minneapolis: Fortress, 2008), 55–102.

40 *WA* 59:229,3–9; 254,16–21; 278,19–31; 291,9–10; 292,29; *WA* 39/1:184–85 (*Disputatio de potestate concilii* [1536]), theses 2, 11, and 12. In the Galatians commentary the continuity that begins with Christ and extends through the apostles, Timothy and Titus, and the bishops also includes the ministers of the word; *WA* 40/1:59,5–7.14–23 and 62,32.

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exists throughout history. The watchword for right thinking about and right existence as the church is "remain."[41] Well aware of accusations that he and the evangelical movement at the front of which he had come to stand had fallen away from the true church and were a new church,[42] Luther vigorously attempted to demonstrate an ecclesial pedigree that evidenced not only derivation from but also continuity with the "right, ancient church."[43] The church had always and necessarily would always exist, for Christ was at all times faithful to his promises.[44] At all points in history it thus becomes necessary to distinguish true from false church, indicating how each is to be identified precisely because the true church always exists and is always challenged by a counterfeit.[45] And the church that had existed and always would exist, had, "from the beginning,"[46] existed as churches. Although Luther could respond to what he understood as subsequent ecclesial structures, such as patriarchates and metropolitan sees, with greater or lesser reservation, bishoprics and bishops stood for him as an ecclesial baseline that went back to the apostles themselves.[47]

Had Luther in his thinking about the church prioritized the internal to the external, the foregoing would have been just a great deal of unnecessary trouble. One need not, for example, attempt to sort out true church from false church, "Abel" from "Cain," in the mess of present ecclesial reality and through centuries of ecclesiastical history if the church were firstly and fundamentally an impalpable and rather ethereal communion of believers, whose claim to being church could only be validated by the internal convictions of believing hearts. Instead, Luther's ecclesiology begins and works out from the concrete ecclesial realities in front of his nose and coming to him out of history. He begins not with a concept of the church but with ecclesial institutions and the institutional church. Against ever so much popular reception that either hails Luther as the herald of a new mode of ecclesiology or dismisses him as the saboteur of the Western Church, this multifaceted prioritization of the

41 *WA* 51:478,34–479,19; cf. *WA* 28:221,18–35; 231,5–6.

42 *WA* 51:476,31–477,18; 478,31–34.

43 The entire argumentation of the central portion of *Wider Hans Worst* (*WA* 51:476,26–531,34) pulls in this direction; for derivation see: 51:498,28–33; 500,33–501,25; quotation: 51:487,18; 498,31.

44 Mt 16:18 and 28:20; cf. *WA* 50:593,7–11.

45 Luther is wont to speak of the true church as "Abel" and the false as "Cain," as, e.g., in *Wider Hans Worst*, *WA* 51:477,30–1, 513,26–514,26; cf. Pr. 1883 (1539), *WA* 47:786,15–790,25.

46 *WA* 50:579,36.

47 *WA* 50:579,14–580,24. In noting here that the elevation of one bishop over another is not an "article of faith," Luther names a category that was also of import for his debate with Eck.

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factual to the conceptual in his later works suggests that he was by no means at odds with all sides of the unfolding ecclesiology of the Middle Ages but instead staked a claim on the waning side of a longstanding debate about papal authority.

3 The External and the Internal in Luther's Later Ecclesiology

The priority of the external to the internal in Luther's later thought is equally as prevalent as that of the factual to the conceptual, but the evidence for it is even more direct. Luther states in his own formal confession of faith, the *Schmalkaldische Artikel*, that "God gives no one his Spirit or grace except through or with the external word, which goes before."[48] In this theological testament Luther does speak of the church as "the holy believers and little sheep who hear their shepherd's voice."[49] The believing of these believers is certainly something internal, but out in front of this trust of the heart is the gospel, delivered in the preached word, in baptism, in the sacrament of the altar, and the activity of the loosing key in holy absolution.[50] These mechanisms of the saving and faith-creating gospel's delivery Luther was often wont to list or rattle off in his sermons, sometimes calling them the "pieces" (*Stücke*), which pertained to and helped make up the larger whole of an ordered regiment.[51]

Often these means of the gospel's delivery have been called the *notae ecclesiae*, which title is not an inappropriate description of Luther's presentation of them so long as one recognizes that these "marks of the church" mark the church precisely because they *make* the church.[52] As "pieces" instituted by

48 *Die Schmalkaldischen Artikel* III,viii:3; *Bekenntnisschriften*, 770,13–14.

49 *Die Schmalkaldischen Artikel* III,xii:2; *Bekenntnisschriften*, 776,7–8.

50 *Die Schmalkaldischen Artikel* III,iv–viii; *Bekenntnisschriften*, 764,34–770,11. Cf. III,iii:7–8; *Bekenntnisschriften*, 752,20–23.

51 Listings: Pr. 1574 (1535), [R] *WA* 41:455,15–16, 457,2–3; Pr. 1843 (1539), [A] *WA* 47:519,2–8, 521,9–10.31–33.38–39; Pr. 1863 (1539), [R] *WA* 47:653,15–654,7, [S] 653,30–654,24; Pr. 1882 (1539), [R] *WA* 47:784,9–10; cf. Mumme, *Präsenz*, 225–27. "Pieces": Pr. 1532 (1531), [R] *WA* 41:77,24–78,1, esp. 77,15; Pr. 1851, [A] 47:576,24–34; *WA* 38:221,9–11.18–35 et passim; *WA* 50:643,6 in relation to 50:628,16–643,5; *WA* 51:536,12 in relation to 51:479,20–485,24.

52 Pr. 1729 (1538), *WA* 46:423–27; analysis in Mumme, *Präsenz*, 232. See also *Von der Winkelmesse*, *WA* 38:221,31–35; Ernst Kinder, *Der evangelische Glaube und die Kirche* (Berlin: Lutherisches Verlagshaus, 1960), 57–144, esp. 85–88. The notion that these *notae* are "external conditions" that "represent the means through which the Holy Spirit works" for faith stops quite short of Luther's conviction; cf. Michael Beyer, "Luthers Ekklesiologie," in *Leben und Werk Martin Luthers von 1526 bis 1546: Festausgabe zu Seinem 500. Geburtstag*, ed. Helmar Junghans (Göttingen: Vandenhoeck & Ruprecht, 1983), 93–117, at 114.

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Christ, they mark out not only how but *where* God is salvifically active – where he is to be found,[53] and where God himself is thus active, there is the church. The church, according to Luther's *Von den Konziliis und Kirchen*, is "a Christian holy people," which has been "assembled" and "called" by such tangible and mediate divine activity.[54] Where God himself preaches, baptizes, gives his holy supper, and absolves sins, and where he also sees to the making of ministers, the catechetical and liturgical inculcation of the faith, and the cruciform life of suffering with Christ, there is the church. The holy people that is the church is hallowed by these *Heilthümber*,[55] these hallowing, holy things. Though Luther's listings of these pieces or means of the gospel's delivery can vary to a degree, according to his topic and objective,[56] the church presented in view of them is by no means "actualized" in the believing of believers, nor is the mediately delivered gospel waiting for some appropriation by way of personal commitment to be what it is.[57] As a body of believers the church is, in fact, passive and on the receiving end of these divine and holy gifts which create and sustain the church.[58] The holy things make the holy people; the external means precede the internality of faith.

Where the related prioritizations of the factual to the conceptual and the external to the internal most clearly overlap in Luther's mature thinking is perhaps with his theology of the ministry. "Pieces" or church-making marks of the church such as the preached word, baptism, absolution, the sacrament of the altar, and (in an extended sense) ordination are entrusted to the ministers to

53 Pr. 1851, [A] *WA* 47:576,24–32.

54 *WA* 50:624,14–18.24–29.

55 On this term see David Yeago, "'A Christian, Holy People': Martin Luther on Salvation and the Church," *Modern Theology* 13,1 (1997): 101–20, esp. 110.

56 In *Von der Winkelmesse und Pfaffenweihe* Luther utilizes such a listing to show how such pieces have remained under the papacy despite the proliferation of ordinations for the celebrating or sacrificing of private masses; *WA* 38:220,28–221,35. Luther's expansive listing in *Wider Hans Worst* acts as a tool for demonstrating continuity with the true and ancient church: *WA* 51:478,24–487,20; cf. *Wider das Papsttum zu Rom, vom Teufel gestiftet*; *WA* 54:284,10–19.

57 Contrast Pauck, "Luther's Conception," 39, where in regard to believers and the church he claims: "In their believing, it is actualized. In this sense it is invisible and spiritual (for faith is inward and therefore invisible). Yet this invisible faith of the believers is the ground of those visible expressions of love by which the church becomes a fellowship of the believers with one another, actualized concretely amidst definite human circumstances."

58 According to Luther the congregation or communion of saints, active in prayer and confession of the faith, is a passively hallowed group on the receiving end of the word and sacraments: *WA* 50:593,11–14.

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be exercised for the benefit of believers.[59] Luther speaks of the church as a "regiment,"[60] and in the regiment that is the church these markers or means are themselves given to the church as a differentiated entity,[61] actively entrusted to the clergy to be given and exercised, and passively gifted to Christians to be received and used.[62] This historical, ecclesial, institutional reality of life that Luther conceives of as a regiment is characterized by order and a structure of authority. Bishops, parsons, and preachers are those who hold office and have authority in this regiment.[63] As such they are the regents or the "governors" of the church.[64] The fact that they or other facets of this factual and institutional reality may be corrupt or in need of some reform is no grounds for the rejection of the factual, institutional reality as such, a tendency which Luther identifies with the radicals.[65] The clergy or ministers, as the regents of the church, preach, baptize, celebrate and administer the supper, forgive and retain sins, and ordain more ministers, and in so doing they govern the church. These, Luther says, sit in "the seat of the apostles."[66] The church that Luther

59 The relationship of ministers and the church stands, one might say, in the dative case: they exist *for* the church; *WA* 38:221,717. The genitive alone would not do justice to Luther's thought: the ministers are not simply *of* the church. There is, as Lutheran ecumenical scholarship has rightly recognized, a very real *Gegenüber* of the ministry and the church as an assembly of believers, which Luther affirms. The theme of entrusting (*Anvertrauen*) plays a significant role in Luther's mature ecclesiology: Pr. 1574 [R] *WA* 41:458,18; Pr. 1577 [R] *WA* 41:468,12–18; Pr. 1882 [R] *WA* 47:784,13–14; Pr. 1926 (1540), [R] *WA* 49:169,12; Pr. 1964 (1544), [R] *WA* 49:452,4. See also Pr. 1854 [A] *WA* 47:602,8.38: the means of God's gracious dealing with human beings are found "at home" in the local parish; 596,10, they are administered by the "preachers and village parson(s)." Pr. 2018 [R] *WA* 51:96,17–19 and [S] *WA* 51:96,32–34: bishops, parsons, and preachers portion out the spiritual goods. Pr. 1923 (1540) [R] *WA* 49:141,33.42: the ministry was "instituted by God," and "he instituted" preaching, baptism, the sacrament, and absolution "so that they would be communicated to us through the ministers."

60 Pr. 1849 (1539), [A] *WA* 47:563,17–565,34. What is most often spoken of in English as Luther's doctrine of the two kingdoms would be more accurately spoken of as his doctrine of the two regiments (*Zweiregimentenlehre*). "Regiment" points to God's ordered way of going about things and caring for people; in a fallen world he has two ways of doing this.

61 *WA* 38,228,19–29; *WA* 31/1:196,35–36. In this differentiation, a chief duty of the laity is to provide for the clergy: *WA* 54:280,25–26.

62 Pr. 1601 (1536), [R] *WA* 41:604–608; analysis in Mumme, *Präsenz*, 283–87. See also Pr. 1002 (1529), [P²] *WA* 28:467,40–468,6.28–29.

63 Pr. 1849, [A] *WA* 47:563,17–564,42.

64 Pr. 2018 (1545), [R] *WA* 51:96,17–19, cf. 97:8–9. Cf. the certificate of ordination for Georg of Anhalt in Sander, *Ordinatio Apostolica*, 304 (=*WA Br* 11:156,25–30); *WA* 50:651,21; Pr. 1888 (1539), [R] WA 47:818,26–820,2; and Pr. 1577 (1535), *WA* 41:468,10–11.

65 Pr. 1849, [A] *WA* 47:561,12–562,17.

66 Pr. 1849 [A] *WA* 47:564,29.

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is communicating in his later writings is distinctly removed from modern democratic structures and notions that would begin with the delegation of some sort of rights, be they ministerial or other, which somehow initially belong to all Christians.[67] As those administering the church-creating and church-sustaining word and sacraments, the ministers are associated with God's localized, saving presence in the world.[68] According to Luther, should ministers be squeezed out of a given place, the gospel and the sacraments would cease there, portending the end of Christians and the church in that place or region.[69] It can even be observed that the general priesthood of believers is worked and brought about by God's mediate activity through the ministry.[70]

The church is certainly, according to Luther, "holy believers" and "the fellowship" or "communion of the saints,"[71] but this definition is not, at least in view of his theology of the ministry and the sacraments, a point of departure; it is an arrival point. Believers as believers and the saints as saints are on the passive, receiving end of the preached word and the administered sacraments,[72] which belong then to these believers and saints as pure gifts, of whose divine and simultaneously mediate delivery they may be certain.[73]

With the later Luther one may get to a concept of the church, and when a definition of the church is given on his behalf, an internal element of believing is rightly a part of that concept's definition. However, if one is actually following Luther's broader logic, to such a concept one must come, and the

67 See *82. Psalm*, *WA* 31/1:200,5–204,20 (esp. 200,10–11 and 204,14–16), 207,1–15, and 211,11–22 (here Luther dismissively associates the claim of a right to preach and teach based on the shared priesthood of all Christians with Thomas Müntzer, Andreas Karlstadt, and other radicals); Pr. 1888, [R] 47:819,15. Cf. Bernhard Lohse, "Luther und Die Kirche: Korreferat," *Lutherjahrbuch* 52 (1985): 145–47; Otto Hermann Pesch, *Hinführung zu Luther* (Mainz: Grünewald, 1982), 207.

68 *WA* 31/1:196,4–18: God is in the *Gemeine* because that is where he has placed "priests and preachers" whom he has mandated to exercise his word; on the use of "priest" as a normal title for the clergy, see Georg Buchwald, ed. *Wittenberger Ordiniertenbuch 1537–1560* (Leipzig: Verlag von Georg Wigand, 1894), e.g., 1 no. 6.

69 See Pr. 1843, [A] *WA* 47:522,6–11; Pr. 1844 (1539), [A] *WA* 47:528,16–18; Pr. 1923, [R] *WA* 49:141,29–30 and 34–35; analysis in Mumme, *Präsenz*, 169–71.

70 Pr. 1724, [R] *WA* 46,393,18–20: that which is indicated by 1 Pt. 2:9 is the result of what Luther sees mandated and instituted in Jn 21:15–17, 20:23 and Mt 28:[16–]20; Pr. 1844, [A] *WA* 47:523,27–524,23; Pr. 1907, [R] *WA* 49:464–70; analysis in Mumme, *Präsenz*, 322–24.

71 See n49 above and the *Der Kleine Katechismus* II,5; *Bekenntnisschriften*, 872,12–13.

72 There are two ways of having the word and the sacraments – actively and passively: the word is had by preachers in and for preaching and by Christians in hearing; baptism is had by ministers in and for baptizing and for the baptized in being baptized; etc.; see n. 61–62 above. For a differentiated, twofold having of the keys see *WA* 50:631,36–632,34; *WA* 54:250,3–25.

73 A twofold certainty exists, for the ministers and for those served by God through them; *WA* 40/1:56,22.28; 57,22–25.

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conceptual may not with any honesty bypass – much less be hitched in front of – the factual with all its entailments of locality, historicity, apostolicity, and institutional plurality, for that is the definitive point of departure for Luther as he goes about what we would now term ecclesiology. Similarly the internal believing does not precede but instead follows on the external means of the gospel's delivery, which are entrusted to and exercised by the ministry. Observing these prioritizations of the factual to the conceptual and of the external to the internal, Luther is far less the herald of a new ecclesiology than he is a son and heir of the Western Church caught up in long-standing debate about ecclesial authority, in which he fell afoul of what became the ascendant position on papal authority.

4 Ecclesiological Continuities with Leipzig

Though a general examination of the ecclesiology of Luther's earlier career exceeds the scope of this essay, one may with confidence say that the Leipzig Debate offers little or no grounds for a rather stereotypical, Protestant, hagiographic portrayal of Luther as an ecclesiological revolutionary, such as sketched by Wilhelm Pauck above. Johann Eck and Martin Luther can be found wrestling with hermeneutical issues pertaining to Holy Scripture, the fathers, decisions of councils, and papal decrees – all of which bore on the church in their own way. And their exchange could be heated, to the point of getting their knuckles wrapped for hurling charges of heresy around.[74] Whether they had fundamentally different concepts or theologies of the church is quite another matter. A modern who is willing to ask not only what Luther and Eck were fighting about, but also about what common assumptions allowed them to carry out their debate, will recognize a certain but important veracity to Luther's comment that there was not all that much that separated him and Eck.[75] Operative in this debate are a shared set of ecclesiological convictions that would constitute a landmark achievement were it to issue from a modern ecumenical dialog. Eck and Luther disagree about what sort of primacy the pope and the Church of Rome enjoy in relation to other bishops and other churches, and about whence this primacy has come.[76] In doing so, however,

74 *WA* 59:481,1527–482,1544.

75 See n. 9 above.

76 See Eck's comments at *WA* 59:450,562–455,701, and 502,2132–507,2296, and Luther's comments, speaking in German, at 494,1905–495,1909. The debate regarding article thirteen is only about whether papal primacy is one of governing authority or of honor, and whether that primacy exists by divine right or by human right. The whole of the debate affirms an institutional church that is hierarchically structured under bishops.

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both disputants are addressing a historical and hierarchically structured institutional reality as they speak about the church, which spanning the ages as a continual-historical reality has its provenance in Christ and the ministry of the apostles. Within their heated but circumscribed disagreement, the two prioritizations that characterize Luther's later ecclesiology can also be observed: the factual to the conceptual, and the external to the internal.

With the thirteenth thesis of both Eck's *Excusatio* and Luther's *Resolutio* taking the pole position for their debate, the stage was set for ecclesiological sparring that entailed address not only of *the* church but of *churches*. Be it by means of the Holy Scriptures, ancient councils, or 1,100 years of church history, Luther meant to refute the claim, "that the Roman Church is superior to all other churches."[77] Much like Luther's *Wider das Papsttum zu Rom* of 1545, the 1519 exchange with Eck is awash with talk of churches, and this rather mundane fact is highly significant for Luther's ecclesiology at this stage as well.

In response to Eck's opening salvo, which attempted to establish the primacy of the pope in an affirmed but rather nebulous church universal, Luther insisted that papal primacy be demonstrated over a host of churches, for "there are many seats on which the one Christ sits."[78] In addition to the Roman Church the debate was also obliged to take up the Western Church and the Eastern Church(es), as well as the churches of Greece, Jerusalem, Antioch, and Alexandria.[79]

As churches that were somewhere these churches did not come from nowhere. The multiplicity of churches, on which Luther insists debating, pairs closely with their historicity. Although Eck attempts to steer the debate away from such line of inquiry,[80] he must eventually deal with this "Hercules" of Luther's argument.[81] According to Luther history is the mother of all truth,[82] including ecclesiological truth. The starting point – "the source, root, and

77 *WA* 2:161,35; cf. *WA* 1:571,15–22.

78 *WA* 59:437,144–45.

79 For example: the Western Church (*WA* 59:439,192–93), the Eastern Church (*WA* 59:476,1348), the Church of Jerusalem (*WA* 59:439,195–97), the Greek Church (*WA* 59:462,919–29), Antioch (cf. *WA* 59:462,925–29), and Alexandria (cf. *WA* 59:473,1325–27). Luther's *Resolutio* adds the Churches of Africa and Asia (*WA* 2:225,37), of Compostela, Constantinople, Ephesus, and Edessa (*WA* 2:238,33–239,7). The instances referring to some plurality of churches from both the debate and the *Resolutio* are simply too many to list. The simple fact that Luther's thirteenth thesis for debate contrasts the Roman church with "other churches" (*aliis ecclesiis*) is telling.

80 *WA* 59:443,330–33.

81 *WA* 59:485,1620.

82 *WA* 59:480,1487.

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womb" – of Luther's ecclesiology is historical; ecclesiology begins with the Church of Jerusalem.[83] Of this church Christ was the pontiff and the apostles were equally his elders. Though unique as apostles, the apostles are also the predecessors of the bishops;[84] they went into the whole world by each going to his own place in the world.[85] These apostles preached the gospel, ordained bishops and elders, and thereby established churches.[86] Luther and Eck disagree about the nature of Peter's primacy among the apostles, and they also disagree thereby about the primacy of the Roman Church.[87] In this circumscribed disagreement, however, they agree that the apostles were a first generation of ordained ministers, who established churches and ordained bishops.

The entities generated through the work of the apostles and their successors are, in Luther's treatment, both institutional and hierarchical. What would today be termed an episcopal polity is abundantly clear. Though Luther resists certain hierarchical propositions regarding the authority of Peter and successors, he assumes, along with Eck, that the church is a hierarchically structured entity.[88] A church is a bishopric or diocese; this ecclesial entity has a bishop, who is that church's head.[89] He is to be received as such from Christ,[90] so how churches get bishops and how they are ordained matter. The bishop orders things for his church, and Christians within his jurisdiction are under

83 *WA* 2:237,23–238,2; quote 237,32. Cf. *WA* 59:439,191–97. For the Church of Jerusalem as the source of the *sacerdotalis unitas* see *WA* 59:439,191–94.

84 Noting the initial equality of bishop and elder (citing Jerome) in view of 1 Pt. 5:1: *WA* 2:227,32–228,35. The apostles are ordained by Christ: *WA* 59:447,455. Luther can speak of Matthias' appointment to the apostolate as the ordination of a bishop: *WA* 2:231,18–20.

85 See *WA* 2:194,31: "suas sortes," and 209,36: "in locis suis."

86 For ordaining, see *WA* 2:192,37–38, as well as 209,34–37 where the apostles are also depicted as those immediately sent by Christ to preach the gospel.

87 Luther recognizes a primacy of honor belonging to Peter and his successors, which has come to exercise an ecclesial monarchy in the Western Church by human right, and to which Christians are to be subject in love; see, e.g., *WA* 2:186,4–187,31; 209,25–210,4; 216,6–15; *WA* 59:434,42. He will not, however, admit that Peter possessed a primacy of authority, or that the papacy possesses such by divine right. He is especially keen to demonstrate this point in the first eighteen to twenty years of the primitive church's history, i.e. prior to the founding of the Church of Rome, and then up to the Council of Nicaea; see, e.g., *WA* 2:202,24–28; *WA* 59:462,920–30; 475,1321–34. Eck eventually contends for a primacy of authority that moved with Peter from Jerusalem, to Antioch, and then to Rome, thereby recognizing a primacy of authority tied to the successors of Peter, but not necessarily to Rome itself; *WA* 59:486,1620–26.

88 *WA* 59:438,162–64; 449,543–45 (references to Pseudo-Dionysius).

89 *WA* 59:438,176–77; 446,437–39; 463,953–54.

90 *WA* 2:237,7–15 (the ordination through "electio" spoken of here indicates a provincial undertaking in which other bishops are involved).

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his authority.[91] Thus the churches of which Luther speaks are episcopally structured dioceses. Such churches along with their bishops are, he contends, equal.[92] At the same time Luther recognizes that either through the unfolding of history and/or by human arrangement, certain diocesan churches can come to exercise influence and oversight over others; some episcopal seats exercise a sort of provincial authority – be that as patriarchates, metropolitan sees, or other – that Luther does not question, but whose operation he recognizes and affirms over against Roman hegemony.[93] Within diocesan, archdiocesan, or provincial church structures the issue of ordination plays a significant role; to be ordained by someone is, Luther affirms, to be under his authority.[94] All in all, the universal church consists of the totality of diocesan ecclesial units, which may themselves be organized into some kind of archdiocesan, provincial superstructures. Thus, in 1519, Luther can be found espousing not some revolutionary form of ecclesial democracy grounded in the so-called "priesthood of all believers," but instead a sort of episcopal federalism[95] over against Eck's papal monarchism.

One may observe that, for Luther at Leipzig, it is through the multiplicity and locality of churches founded through the apostolic ministry and perpetuating through history that one comes to speak of the church's universality, and not vice versa.[96] To put this another way, it is through the Western Church and Eastern Church, through the churches of Africa and Asia – it is through the churches of Rome, Greece, Jerusalem, Antioch, Alexandria, Compostela, Constantinople, Ephesus, Edessa and the like, understood as ecclesial institutions founded by the apostles and their successors, governed and administered by bishops, that Luther comes to speak of and knows what to do with the universal church. It is not through a concept of the universal church that he manages these concrete ecclesial realities. For Luther the church's universality is a

91 *WA* 2:200,1–2.5–6.

92 *WA* 2:206,23–30; 237,9–10; *WA* 59:463,947–50.

93 *WA* 2:201,6–8; 207,24–26; 237,34–238,32; cf. 198,25–27; *WA* 59:475,1325–27; 508,2312–18.

94 *WA* 59:495,1932–496,1944; cf. *WA* 59:508,2312–18 (n. 93 above).

95 *WA* 59:514,2508–11; Luther's point of comparison was Western Christendom; thus his emphasis lay with the integrity of the local, diocesan churches and the local provinces over against overreach from outside, in this case, Rome. The universal church was not held together by the pope but by all bishops holding together in doctrine, in the administration of the sacraments, and in love.

96 As instances of universality understood through multiplicity and localities, see *WA* 2:194,18–20 (cf. 194,31); 198,25–33; 199,41–200,6; 202,4–39; 208,30–38; 233,24–25 ("peoples"); *WA* 59:456,754–457,764; 465,1018–21. At points Luther's argumentation indicates that he sees a certain and problematic illocality operative in papal claims of universality, damaging to the life and well-being of churches locally: *WA* 2:226,2–37.

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christological category, and a very incarnational one at that. Christ does not simply have a church; he has churches.[97] Christ is himself the Word of God, which simultaneously establishes, and sustains, these churches.[98] The only man who has received all the ends of the earth,[99] who sits on all the churches' seats,[100] and who is as a single man capable of overseeing and administering all churches is the God-Man.

Naturally Luther shared the creedal conviction that the holy, catholic church is a communion of saints, whom he identified as believers,[101] and it was not first with his Small Catechism or his Smalcald Articles that he expressed his conviction that the working and effecting of such faith by the Holy Spirit took place through the external word and sacrament, which go before.[102] The prioritization of the external means of grace to the believing of believers or saints is not a significant theme in Luther's exchanges with Eck, though indications of this conviction are given. With a listing similar to ones he would offer later in his career, Luther states in his *Resolutio*:

> It would be really laughable, that all churches have the same baptism; the same supper; the same confirmation; the same word of God; the same priesthood; the same [sacraments] of penance, last rights, marriage, and all sacraments; the same faith, hope, love, grace, death, life, glory, and [that] this one temporal power should have been given to [only] one [church] through the word of God, which all have in common. Thus everywhere the word of God is preached and believed, the true faith is there, this immovable rock. And where faith is, there is the church; where the church is, there is the bride of Christ; where the bride of Christ is, there is everything that belongs to the groom. So faith has all things with it, which succeed in bringing about faith,[103] – the keys, the sacraments, the authority and all other things.[104]

97 *WA* 2:204,6–205,5.

98 *WA* 2:204,30–37.

99 *WA* 2:236,15–17; *WA* 59:448,500–02.

100 *WA* 59:437,144–45 (see n. 78 above).

101 *Der Kleine Katechismus* II,5–6; *Bekenntnisschriften,* 872,11–24; and *Die Schmalkaldischen Artikel* III,xii:2; *Bekenntnisschriften*, 776,6–11.

102 *Die Schmalkaldischen Artikel* III,viii,3–13; *Bekenntnisschriften*, 770,12–772,30.

103 "quae ad fidem sequuntur," *WA* 2:208,28; see P. G. W. Glare, *Oxford Latin Dictionary*, "assequor" 4 (Oxford: Clarendon, 1982), 187; J. F. Niermeyer and C. Van de Klieft, *Mediae Latinitatis Lexicon Minus* (Leiden: Brill, 2002), "sequi" (with "ad") 7; cf. Charlton T. Lewis and Charles Short, *A Latin Dictionary*, "assequor" II.A. (Oxford: Clarendon, 1879), 178.

104 *WA* 2:208,20–29.

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Though not at length, Luther also here affirms the passivity of the church as believers in all things pertaining to salvation; it is "the daughter of the word,"[105] and its holiness is that of a passive being-hallowed.[106] The church of which Luther speaks does not begin as a homogenous group of believers that subsequently shakes out into some necessary but perhaps regrettable order that then sets about administering the external means of grace; instead, from its factual baseline and through its historical perpetuation the church is a differentiated reality, with gifts like the keys given to it in a differentiated fashion – to be used and indeed enjoyed passively by believers while exercised actively by apostolic ministers.[107] In his debate with Eck Luther speaks more expansively of the apostolic ministers to whom the preaching of the word and the administration of the sacraments are actively entrusted, to be given on and delivered as pure gifts. The ministry moves out from Christ, to the apostles, who ordain bishops, who ordain others and through whom gifts flow into the churches.[108]

Also paralleling Luther's later ecclesiological convictions, the prioritizations of the factual to the conceptual and the external to the internal operative at and around the Leipzig Debate align with an ecclesial form of life in which the clergy govern the churches and – though not forced on those whom they serve – self-propagate.[109] Luther speaks of local or provincial ordinations as conforming to or even being of divine right.[110] The church's unity is the unity of the churches, whose bishops are ordained by their episcopal colleagues. In something resembling the college of the apostles,[111] these equal *collegae* hold together in faith, hope, and love with their preaching and teaching of the word and their administration of the sacraments.[112]

5 Conclusion

In the main, how Luther essentially goes about ecclesiology can be apprehended in two passages from his 1537 Smalcald Articles, when these passages are

105 *WA* 2:191,34–35. On "the word" and popular misconstrual of the Leipzig Debate see this essay's closing excursus.

106 *WA* 2:207,33–34.

107 See Luther's sermon preached in Leipzig on June 29,1519: *WA* 2:248,30–249,37; cf. n. 72 above.

108 *WA* 2:194,93–195,1; 197,13–20; 198,25–33; *WA* 59:446,433–447,464; 475,1338–39.

109 For governing see: *WA* 2:228,13; 229,32. For propagation see: *WA* 2:210,26–29.

110 *WA* 2: 231,2–232,22, esp. "hunc ritum … ex deo ordinationem esse" (231,35–38), "ritus divinus" (232,1), and "hunc ritum sacratissimum et vetustum iurique divino per omnia conformem" (232,4–5). Cf. *WA* 2:237,10: "ordinari … iure divino."

111 *WA* 59:499,2034–37.

112 *WA* 2:212,3–216,15; *WA* 59:438,174–439,190 ("collegas," 438,186).

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read in context. The first highlights the priority of the external to the internal, which by 1537 required overt statement against other strands of Reformation, some radical and spiritualist, which had and were making what Luther considered illegitimate use of his thought.[113] "God gives no one his Spirit or grace except through the external word, which goes before."[114] As far as salvation goes, "God does not wish to deal with us human beings, except through his external word and sacrament."[115] The externality of the preached word and the administered sacraments precede the internality of the faith that they create and sustain. In context it is abundantly clear that the preaching of this word and the administration of these sacraments is entrusted to the clergy.[116] The second is a passage that should be read alongside Luther's famed definition of the church offered in SA III,xii:2.[117]

> Therefore the church can never be better ruled and preserved than when we all live under one head, Christ, and the bishops – all equal according to the office (although they be unequal according to [their] gifts) – keep diligently together in unity of teaching, faith, sacraments, prayers, and works of love, etc. Thus St. Jerome writes that the priests at Alexandria altogether and in common ruled the churches, as the apostles also did and thereafter the bishops in all of Christendom, until the pope elevated his head over all.[118]

Here Luther affirms the church as a historical and institutional reality consisting in a plurality of churches governed by bishops, who perpetuate unity in proper exercise of their office, over against illegitimate monarchial overreach by the "bishop … of the Church of Rome."[119]

Not only are these two features characteristic of Luther's later work, but they also reflect ecclesiological prioritizations operative in his 1519 exchanges with Eck. In fact, if either of these opponents, who indeed shared some fundamental assumptions rather jettisoned in much of Luther's received ecclesiology, was prioritizing the notional and the internal, then it was Eck. Eck

113 *Die Schmalkaldischen Artikel* Preface,4–9; *Bekenntnisschriften*, 720,7–722,4. He can also associate the papacy with "Enthusiasm." See *Die Schmalkaldischen Artikel* III,viii:9; *Bekenntnisschriften*, 772,15–18.

114 See n. 48 above.

115 *Die Schmalkaldischen Artikel* III,viii:10; *Bekenntnisschriften*, 772,19–20.

116 *Die Schmalkaldischen Artikel* III,ix–xii specifies those to whom the stuff of III,v–viii is given, namely the divinely established means of killing and making alive by way of the law and the Gospel (III,iii–iv); *Bekenntnisschriften*, 750,22–776,11. Cf. n. 50 above.

117 See n. 6 above.

118 *Die Schmalkaldischen Artikel* II,iv:9; *Bekenntnisschriften*, 742,21–28.

119 *Die Schmalkaldischen Artikel* II,iv:1; *Bekenntnisschriften*, 740,1.

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would have preferred to leave the early history of the papacy lie and ground it in a necessary similarity of the church militant to the church triumphant.[120] Further, Luther reads Eck's case for the primacy of the bishop of Rome not only as illegitimate, but also as a dangerous attempt of certain curialists to isolate the papacy from any external instances of judgment. If a pope can, for example, legislate his interpretation of Scripture as the single and only true interpretation that is therefore necessary for salvation, he has not only set himself above Scripture, but he has set himself above any other bishops, metropolitans, and patriarchs who might interpret Matthew 16, for example, differently than he does (a prioritization of a papal internal to all instances external to the papacy).[121] If there was an overarching problem that Luther saw with the ecclesiology of Roman curialists in and leading up to his day, it was that the church they espoused came from the "Never, Never Land" (*das Schlauraffen Land*) of the popes' hearts and was promulgated in their decretals while simultaneously driving contradicting witnesses of history and external voices of authority into this Never, Never Land.[122] In an ironic but perhaps typical turn of history, the church of the espoused ecclesiology of many of Luther's alleged heirs begins in the believing hearts of believers, can materialize and exist as such without any recourse to or need of historical justification, and existing as it does theologically subsequent to believing individuals has shown itself lacking institutional elements that can contradict much less condemn the belief of individual believers as such. This too is a church of Never, Never Land, just clothed in egalitarian as opposed to monarchial garb.

Serving as an obstacle for what often passes as Lutheran ecclesiology, the later Luther – along with the Luther of the Leipzig Debate – offers fresh impulses for an ecumenically oriented ecclesiology today. For it cannot rightly be claimed of him at either of these junctures in his career that the church is "primarily and actually not an institution,"[123] for this Luther knows of no church that is not an institution, including the church that is the people of God hallowed by the Holy Spirit's mediate operations through the word and the sacraments. Church in this Luther's thinking implies both the ministerial giving and the passive, Christian receiving of Christ's life-giving and sanctifying word and sacraments. The fundamentally local taking place of such giving and receiving is integrated into various regional and locatable manifestations

120 *WA* 59:435,72–436,94, 436,101–437,129; Eck also argues from the weight of influence, *WA* 59:443,330–33.

121 See *WA* 2:214,36–39.

122 On this "Schlauraffen Land," i.e. the realm of phantasy, see *WA* 54:237,28; 253,24; 257,1.

123 Ulrich Kühn, "Kirche IV. Im evangelischen Verständnis," in *Lexikon für Theologie und Kirche*, 3rd ed. (Freiburg: Herder, 1996) 5:1474–76, quotation at 1474.

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of the church, which taken together make up the universal church. Bearing this in mind, something like the *communio* ecclesiology of the latter twentieth century is not something to which Lutherans must somehow subsequently reconcile themselves. Instead Luther, pointing backward as he was in 1519 and 1530–1546, can rightly be read as a forerunner of one of the most important and promising unfoldings of ecclesiological insight emerging from the church's second millennium.

6 A Final Note on "the Word" and Popular Misconstrual of the Leipzig Debate

In raising the category of "the word," a popular misconstrual of the Leipzig Debate and its legacy must be addressed, even if its full treatment exceeds the scope of this essay. Generally, it is held that at Leipzig Luther renounced the authority of popes and councils and laid the foundation for a church that would recognize Holy Scripture alone as its source of authority. Firstly, it must be noted, that Luther and Eck were, from the outset, agreed that anything claiming the status of divine right had to have a foundation in Holy Scripture.[124] This point was not up for debate, but was a shared assumption. Secondly, Luther by no means rejected the authority of councils, or of the church, or – in a circumscribed sense – of the papacy itself.[125] The position that Luther maintains is that a council – itself a *creatura* of the Scriptures[126] – does not and cannot err in matters of faith, in which matters it is governed by the Holy Spirit.[127] Luther and Eck agree that conciliar gatherings can err, thereby showing themselves to not properly be councils.[128] The question is how such erring is discerned and ascertained. Further, Luther holds that the church, i.e. the church in its universal totality, does not and cannot err in matters pertaining to the faith and having to do with the salvation of souls.[129] Only improperly has Leipzig come to be received as a battle about the authority of the Bible versus that of councils. Observable in the debate is instead a disputation regarding an overarching hermeneutic for living with recognized sources of authority, such

124 See *WA* 59:466,1061–62; 493,1870–494,1877.

125 See n. 87 above.

126 *WA* 59:479,1464–65.

127 *WA* 59:479,1443–45; 500,2080–85; 547,3577–79 (cf. Bernhard Lohse, *Martin Luther's Theology: Its Historical and Systematic Development*, tr. Roy A. Harrisville [Edinburgh: T&T Clark, 1999], 124 n. 42); 567,4218–20.

128 *WA* 59:490,1786–88.

129 *WA* 59:466,1059–60; 557,3888–90; 559,3967–70.

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as the Bible, the fathers, the decisions of councils, and the papacy.[130] In his later career Luther can still be found expressing his wish for a free and evangelical council.[131] Both on his own and at the behest of others he made preparations for the same.[132] For Luther the council remained a proper *principal* and an assembly of the episcopal successors of the apostles in which Christ and the Spirit are present so long as such an assembly did not err in the faith.[133] A right council is one that judges and speaks in accordance with the apostolic Scriptures,[134] which themselves imply an order and stand in accord with "the whole of Christianity at the beginning."[135] Luther also continued to affirm the infallibility of the church.[136]

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130 See, e.g., *WA* 59:522,2764–80.

131 *WA* 51:529,27–30 and *WA* 54:206,3–16, 208,5–10.

132 See n. 10 above regarding the *Die Schmalkaldischen Artikel* and *Von Konziliis und Kirchen*.

133 *WA* 50:53,2 and 39/1:184,1–187,40.

134 *WA* 39/1:187,12–16.

135 *WA* 38:225,12.

136 *WA* 51:516,23–25, 30–31.

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CHAPTER 12

The Catholic Reception of the Leipzig Disputation

Michael Root

The introduction to the critical edition of the record of the Leipzig Disputation in the Weimar edition of Luther's Works opens with the following statement:

> The Leipzig Disputation represents a high point in Luther's dispute with the medieval church, in fact an authentic turning point. Here Luther contested, especially in reference to the condemnation of Hus, the infallibility of decisions by councils and distinguished clearly for the first time between the authority of the church and the authority of scripture.[1]

This estimation of the significance of the Leipzig Disputation is common among modern analyses of the debate, shared by Catholic and Protestant interpreters. The path to such a common reading has been a long one for Catholic interpreters of the event, and Catholics still inevitably assess the event in ways different than their Protestant colleagues.

This essay will trace that path, from the initial responses of Catholic controversialists engaged in the debate with Luther, through long centuries when the disputation played a minor role in Catholic pictures of Luther, usually as part of an unflattering depiction of Luther's character, up to the more nuanced and complex treatments of the last hundred years. Such a survey must inevitably be selective and even the figures selected must be treated in a highly condensed manner. Only the most important Catholic interpreters of Leipzig will be taken up, with an emphasis on the underlying logic of varying Catholic approaches. The first period, following immediately on the disputation, will be given the greatest attention.

1 Martin Luther, "Disputatio inter Ioannen Eccium et Martinum Lutherum," in *WA* 6:405. Quotations in English from texts originally in German and Latin are either from available translations or are my own. The original language is also quoted only when such seems useful.

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1 The First Phase: the Leipzig Disputation in the Developing Catholic Critique of Luther, 1519–1540

Three factors shaped the immediate Catholic response to the Leipzig Disputation. First, the disputation was a moment in an exchange between Luther and his critics that had already long been underway. Catholic writers had earlier advanced various specific critiques of Luther, and they tended to use Luther's comments in the disputation as new evidence to support their existing arguments. Some new elements appeared, especially in relation to Luther's limited defense of Hus, but the shape of the Catholic critique remained the same.[2]

Second, the Catholic responses focused on the texts that were available to each responding author. What was actually said in the disputation proved less significant for the responses in many ways than texts published in the wider context of the event, especially Luther's extended explanation of his thirteenth Leipzig thesis, which addressed papal primacy.[3] Of the more significant Catholic respondents, only two, Johannes Eck and Jerome Emser, were present at the disputation. The limited impact of what was actually said at Leipzig helps to explain the continuity of the Catholic response to Luther before and after the disputation.

Third, the period during which the Leipzig Disputation stood at the center of the exchange between Luther and his Catholic critics was short. A year after the disputation, Luther had taken up more radical attitudes on the topics discussed at Leipzig. The debate moved on, and Leipzig lost much of its relevance.

A relatively full chronological survey of individual Catholic responses to Leipzig has been given in David Bagchi's *Luther's Earliest Opponents*.[4] This essay will instead be organized more by the themes that were most prominent in that response.

2 "It is revealing that all the major arguments employed against Luther in these years [1518–1525] were in essence leveled against him in the first few months of the indulgence controversy: biblicism, antinomianism, anarchism, and Bohemianism." David V. N. Bagchi, *Luther's Earliest Opponents: Catholic Controversialists, 1518–1525* (Minneapolis: Fortress Press, 1991), 240.

3 Martin Luther, "Resolutio super propositione sua decima tertia de potestate papae," in *WA*2:180–240.

4 Bagchi, *Luther's Earliest Opponents*, 45–91. My reading of the response for the most part agrees with Bagchi's very helpful discussion. Brief surveys of Luther's early Catholic opponents can be found in Heribert Smolinsky, "Luther's Roman Catholic Critics," in *Oxford Handbook of Martin Luther's Theology*, ed. Robert Kolb, Irene Dingel, and L'ubomir Batka (Oxford: Oxford University Press, 2014), 502–10; Hellmut Zschoch, "Luther und seine altgläubigen Gegner," in *Luther Handbuch*, 2nd ed., ed. Albrecht Beutel (Tübingen: Mohr Siebeck, 2010), 115–21.

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1.1 *The Disputation Proper*

Inevitably, one focus of the first Catholic responses to the debate was the debate itself – its procedures and their fairness; what precisely had been said; who had "won," or at least had performed more impressively. A flurry of pamphlets quickly appeared, often focused on whether an agreement was being violated not to publicize the proceedings until the expected judgment from the faculties of Paris and Erfurt was given.[5]

The initial spate of writings had little impact. Worth mentioning, however, is an exchange initiated by Jerome Emser about just what Luther said about Jan Hus.[6] A month after Leipzig, Emser, court chaplain to Duke George of Albertine Saxony, who had hosted the disputation, published an open letter to Jan Žack, administrator of the archdiocese of Prague.[7] Emser assured Žack that the Hussites in Bohemia were wrong when they claimed Luther as a Theseus who had come to fight in their cause.[8] Luther had firmly denounced the Hussites as schismatics.[9] Luther had said that some of Hus' statements condemned by the Council of Constance were truly Christian, but such a concession is understandable; heretics often mix truth with falsehood.[10] Luther had agreed with the Hussites that the papacy was a human institution, but still said that the papacy was needed for unity and was to be obeyed. Luther's views on the human or divine institution of the papacy were not obstinate and he might still be persuaded by the truth of the opposing position.[11]

Emser's letter is complimentary toward both Eck and Luther ("a man of rare erudition and learning").[12] It seeks to stand above the fray, finding little to be gained by public contention.[13] On the whole, it rightly represented what Luther had said about the Hussites, though it placed its own spin on Luther's remarks. Unlike most of the exchanges around the disputation, it avoids vituperation.

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5 For a description of the initial round of pamphlet exchanges following the disputation, see Bagchi, *Luther's Earliest Opponents*, 69–75.

6 A full account of the dispute with Emser is in Heribert Smolinsky, *Augustin von Alveldt und Hieronymus Emser: Eine Untersuchung zur Kontroverstheologie der frühen Reformationszeit im Herzogtum Sachsen* (Münster: Aschendorff, 1983), 223–38.

7 A modern edition of the text is Hieronymus Emser, "De disputatione Lipsicensi, quantum ad boemos obiter deflexa est (1519)," in *CCath* 4, ed. Franz Xaver Thurnhofer (Münster: Aschendorff, 1921), 27–41.

8 Emser, "De disputatione Lipsicensi," 31.

9 Emser, "De disputatione Lipsicensi," 32.

10 Emser, "De disputatione Lipsicensi," 36.

11 Emser, "De disputatione Lipsicensi," 36.

12 Emser, "De disputatione Lipsicensi," 33.

13 Emser, "De disputatione Lipsicensi," 33, 39.

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Luther, however, would have none of it. The year before, Luther had been a guest at a dinner in Dresden hosted by Emser, at which Luther was drawn into vehement debate with a visiting Dominican. In retrospect, Luther suspected that Emser had deliberately created a situation in which Luther might be tempted into incautious remarks.[14] He was convinced that Emser was again up to the same tricks. In his answer, *Addition to the Goat Emser*, he begins by comparing Emser to Judas, who hands over Jesus with a sign of peace.[15] Emser's praises of Luther are only flattery, "Iscariot-kisses."[16] Emser's intent is only to force Luther into either siding with the Hussites or denying that some of the Hussite theses condemned at Constance were Christian and evangelical. Luther holds fast to what he said at Leipzig: he is no Hussite, but that is no reason not to be pleased with some things the Hussites have said. Is Emser a heretic because some things that might please the Hussites – perhaps money or a pretty young woman (*uxorcula formosula*) – also please him?[17]

The dispute went downhill from there. Eck quickly sprang to Emser's defense with *Response on Behalf of Jerome Emser to Luther's Mad Hunt*. Luther is now on a hunt for Emser, not with dogs, but with "malicious writings, slanderous words, impudent insults, trifles, nonsense, lies, and other fearful monstrosities of this sort."[18] Emser himself followed with his *Assertion of the Goat against the Lutheran Hunt*.[19] The tone of this text is far different from that of

14 A detailed description of the 1518 dinner is given in Franz Xaver Thurnhofer, "Einleitung zu Emsers Schriften: De disputatione Lipsicensi (1519) und A venatione Luteriana assertio (1519)," in *CCath* 4, ed. Franz Xaver Thurnhofer (Münster: Aschendorff, 1921), 11–12.

15 Martin Luther, "Ad aegocerotem Emserianum M. Lutheri additio," in *WA* 2:659.

16 *WA* 2:660. Luther's reading of Emser's text turns on his interpretation of Emser's motives. Scholars are still divided on that question. The fullest discussion of Emser's intention is in Smolinsky, *Alveldt u. Emser*, 227–30. Smolinsky notes, 230, n. 56, that Protestant scholars tend to share Luther's suspicion. The simplest reading, however, is that Emser wanted to make use of Luther's sharp repudiation of the Hussite schism against the Hussites in Bohemia and wrote Žack with that purpose. Emser was not sympathetic to Luther, but his target in the text is the Hussites, not Luther.

17 *WA* 2:661.

18 Johann Eck, *Joannis Eckii pro Hieronymo Emser contra malesanem Lutheri venationem responsio* (Leipzig: Martin Landsberg, 1519). A transcription of the Latin, with German translation, can be found at http://ivv7srv15.uni-muenster.de/mnkg/pfnuer/. An English translation is to appear in Michael Graham, ed., *Luther's Catholic Opponents* (Eugene, Ore.: Wipf & Stock, forthcoming) and is available at http://pitts.emory.edu/collections/digitalcollections/catholic-responses-to-luther.cfm.

19 Hieronymus Emser, "A venatione Luteriana aegocerotis assertio (1519)," in *CCath* 4, ed. Franz Xaver Thurnhofer (Münster: Aschendorff, 1921), 42–99.

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the original August letter to Žack. Luther has now shown himself to be a defender of the Hussites.[20] Luther cannot be both a Hussite and a Christian.[21]

The exchange set off by Emser's August open letter shows how difficult it was to take a nuanced public stand on the disputation. Luther himself would not permit it. During this period, his conviction that the papacy was the Antichrist was taking firmer root. On the Catholic side, both Ambrosius Catharinus and Augustin Alveldt suggested in responses to Leipzig that Luther himself was either Antichrist or a forerunner of Antichrist.[22] The struggle was between the Gospel and Satan. "Which side are you on" became the first and decisive question. Eck, who had built his reputation on public disputation, did not help matters. Arguments were made, but personal invective was rarely avoided.

1.2 *Questions of Authority*

Although many theological topics were discussed in Leipzig, one dominated the aftermath: authority in the church and, in the background, authority more generally. That this focus predominated was itself a success for the approach taken to Luther by many of the Catholic controversialists. From the *Ninety-Five Theses* on, writers such as Sylvester Prierias had placed the question of authority at the center of the issues raised by Luther. Eck lured Luther into the Leipzig Debate by adding a thesis on papal authority to the disputation theses. While Luther tended to view the Catholic focus on authority as a sign of his critics' unwillingness or inability to address the issues of grace and forgiveness,[23] they saw this focus as a concentration on the decisive issue.

The critique involved discussions of the concrete institutions of authority – pope and council – but inevitably also took up scripture, the role of the laity, and basic attitudes toward authority. Non-ecclesiastical issues hovered in the background.

1.3 *Papal Authority*

The foreground issue for most of the Catholic responses was the authority of the papacy, the primary topic debated by Eck and Luther at Leipzig. The

20 Emser, "A venatione Luteriana," 49.

21 Emser, "A venatione Luteriana," 62.

22 For Catharinus, see Patrick Preston, "Catharinus Versus Luther, 1521," *History* 88 (2003): 370–73. For Alveldt, see Augustin Alveldt, *Ein Sermon: darinnen sich Bruder Augustinus von Alveldt … des so in Bruder Martinus Luther … beclaget….* (Leipzig: M. Landsberg, 1520), Ai. An English translation will appear in Graham, *Luther's Catholic Opponents*. The text is presently available at http://pitts.emory.edu/collections/digitalcollections/catholic-responses-to-luther.cfm.

23 Zschoch, "Luther u. seine Gegner," 118.

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substantive matter they took up was less what Luther said at Leipzig and more the expanded *Resolutio* on his Thirteenth Leipzig thesis.[24] Luther there denied only that papal primacy was by divine institution, granting that papal primacy was a potentially useful human institution, even one that developed in accord with the will of God.

As was often the case in early Catholic responses to Luther, these critiques sought to answer Luther point-by-point. Thus, detailed arguments on the exegesis of the New Testament passages on which Luther had placed greatest stress – Matthew 16:18 and John 21:15–17 – occupy much space. Cajetan argues that Jesus addresses Peter in the singular in Matthew, indicating that the keys are given here to him alone.[25] Alveldt contends that the keys in Matthew 16 include a jurisdictional authority.[26] Cajetan and Emser argue that Jesus' instruction to Peter in John 21 to "feed my sheep" confers on Peter a power to rule.[27]

While Cajetan insisted that only the literal sense of scripture can be decisively appealed to in the dispute,[28] Alveldt elaborated a figural argument that the pope as vicar of Christ is foreshadowed by Aaron as vicar of Moses. As Aaron was high priest of the Old Covenant, set over other priests, so the pope is

24 The three most significant Italian responses – sections of Prierias' *Errata et argumenta Martini Lutheris*, Catharinus' *Apologia,* and Cajetan's *De divina institutione pontificatus romani pontificis* – are detailed considerations of Luther's *Resolutio.* No modern edition exists of Prierias' text; publication history is given in Peter Fabisch and Erwin Iserloh, eds., *Dokumente zur Causa Lutheri (1517–1521). Vol. 1: Das Gutachten des Prierias und weitere Schriften gegen Luthers Albassthesen (1517–18)*, *CCath* 41 (Münster: Aschendorff, 1988), 136–37. Prierias' critique of Luther is discussed in Michael Tavuzzi, *Prierias: The Life and Works of Silvestro Mazzolini Da Prierio, 1456–1527* (Durham: Duke University Press, 1997), 104–15. For Catharinus' text, see Ambrosius Catharinus Politus, *Apologia pro veritate Catholicae et apostolicae fidei ac doctrinae adversus impia ac valde pestifera Martini Lutheri dogmata, 1520,* ed. Josef Schweizer, *CCath* 27 (Münster: Aschendorff, 1956). A modern edition of Cajetan's text is: Thomas de Vio Cajetan, *De divina institutione pontificatus romani pontificis* (*1521*), ed. Friedrich Lauchert, *CCath* 10 (Münster: Aschendorff, 1925). An English translation of most of the text can be found in Jared Wicks, ed. and trans., *Cajetan Responds: A Reader in Reformation Controversy* (Washington: Catholic University of America Press, 1978), 105–44. Though they focus on Luther's Leipzig text, all three of these Catholic responses were published only in early 1521, by which time Luther's public attitude to the papacy had shifted.

25 Cajetan, *De Divina Institutione*, 26–28; Wicks, *Cajetan Responds*, 108–09.

26 See Smolinsky, *Alveldt u. Emser*, 83.

27 For Cajetan, see Cajetan, *De Divina Institutione*, 61–62; Wicks, *Cajetan Responds*, 118. For Emser, see Smolinsky, *Alveldt u. Emser*, 235.

28 Cajetan, *De Divina Institutione*, 20–21; Wicks, *Cajetan Responds*, 108.

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high priest of the New Covenant, set over the other apostles.[29] Emser and Eck repeat Alveldt's figural argument.[30]

In the larger context of the Catholic argument with Luther over the papacy, such detailed exegetical presentations ended up playing little role. Jared Wicks notes that Luther and his supporters for the most part simply ignored them.[31] More significant was the tendency of many of the Catholic controversialists to argue that the meaning of these texts was to be ascertained not simply on the basis of such detailed examination of the relevant passages, but also on the basis of the predominant interpretation to be found in the Fathers and in official church statements. Catharinus in his *Apologia* and Eck in his *De primatu Petri* thus load down their presentations with long series of quotations to show that Luther is rejecting the church's normative understanding of the meaning of the controverted passages. Cajetan is more sparing in his quotations, but insists on the general point: "Truly Catholic Christians wisely grasp the teaching of Scripture according to the interpretation of the holy doctors and of the sacred councils bearing apostolic authority. Whoever rejects this way of knowing Christian truth is no Christian."[32] The Catholics are divided from Luther not just on what the disputed texts mean, but on how to determine what they mean. As will be seen, this difference is part of a larger pattern.

While the interpretation of particular texts dominated the Catholic argument on the papacy, more general ecclesiological arguments were also made. Prierias' *Errata et argumenta* made the most extreme argument: the Roman church is virtually the universal church and the pope is virtually the Roman church. The authority of scripture derives from the authority of the Roman church and the pope.[33] Eck argues in *De primatu Petri* that the best form of government is monarchical and that God would not have neglected to give the church the best form of governance, with the pope as monarch.[34] Alveldt argues that while Christ is the head of the church, the church also needs a vicar of Christ who can function as its ruler (*Oberst*).[35] While the

29 Alveldt, *Ein Sermon*, Biii. This typological argument of Alveldt is analyzed in Smolinsky, *Alveldt u. Emser*, 56.

30 Smolinsky, *Alveldt u. Emser*, 79.

31 Wicks, *Cajetan Responds*, 31.

32 "Christianorum autem, qui vere catolici sunt, sapientia sacram scripturam intelligit secundum sensum, quem sancti doctores, quem sacra concilia apostolica authoritate roborata interpretantur. Hunc sciendi christianam veritatem modum quisquis repellit, christianus non est." Cajetan, *De Divina Institutione*, 100; Wicks, *Cajetan Responds*, 143.

33 Tavuzzi, *Prierias*, 111.

34 See Erwin Iserloh, *Johannes Eck (1486–1543): Scholastiker, Humanist, Kontroverstheologe* (Münster: Aschendorff, 1981), 47.

35 Alveldt, *Ein Sermon*, Bi.

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Catholics uniformly defended the divine institution of the pope, they were not all extreme papalists. Franciscans in the debates were restrained in asserting the superiority of the pope over a council.[36] Alveldt, in his *Super apostolica sede*, expressed the hope that a future council might settle the question of the precise relation of pope to council.[37]

1.4 *Conciliar Authority*

The general question of the authority of councils, a topic that looms large in readings of Leipzig over the last century, played little role in the Catholic discussion in the years immediately following the disputation.[38] The disputation moved Luther to a more careful and nuanced position on councils,[39] but such nuances were not noticed by the Catholic critics. For the Catholic critics, Luther had said the councils could err and that was enough to place him outside the bounds of acceptable opinion.[40] When in 1520 Luther in his *To the Christian Nobility of the German Nation* called for the political leaders to convoke a council to reform the church,[41] Catholics accused Luther of inconsistency. How could he call for a council to carry out the work the pope would not when he had himself undercut the authority of councils?[42]

The object of Catholic critique was less the general question of conciliar authority and more the particular issue Luther had raised: the condemnation of Jan Hus by the Council of Constance. Tetzel and Eck had detected Hussite tendencies already in Luther's *Ninety-Five Theses*;[43] the accusation of support for Hussite ideas and the Hussite cause more generally now became a theme

36 Bagchi, *Luther's Earliest Opponents*, 60.

37 Smolinsky, *Alveldt u. Emser*, 55.

38 Christopher Spehr, *Luther und das Konzil: Zur Entwicklung eines zentralen Themas in der Reformationszeit* (Tübingen: Mohr Siebeck, 2010), 165.

39 See especially the discussion in Spehr, *Luther und das Konzil*, 164–79.

40 In a letter to Jacob Hochstraten soon after the disputation (July 24), Eck lists Luther's statements that councils could err as one of the "scandalous and absurd things" (scandalosa et absurda) Luther had said. See letter in Peter Fabisch and Erwin Iserloh, eds., *Dokumente zur Causa Lutheri (1517–1521), Vol. 2: Vom Augsburger Reichstag 1518 bis zum Wormser Edikt 1521*, *CCath* 42 (Münster: Aschendorff, 1991), 263. Alveldt did respond to Luther more carefully, arguing that while a council was infallible in its dogmatic pronouncements, its disciplinary decisions were not; see Smolinsky, *Alveldt u. Emser*, 55.

41 *WA* 6:413; *LW* 44:137.

42 Bagchi, *Luther's Earliest Opponents*, 103.

43 For Tetzel, see Martin Brecht, *Martin Luther: His Road to Reformation 1483–1521*, trans. James L. Schaaf (Philadelphia: Fortress Press, 1985), 209; for Eck, see Zschoch, "Luther u. seine Gegner," 117.

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repeated almost universally in Catholic responses to the disputation.[44] On the one hand, the contention that a contemporary controverted opinion was the re-appearance of an earlier heresy was a standard argumentative move.[45] Alveldt tied Luther not only to Hus, but to Wyclif, the Beghards, and Konrad Schmidt of Sangerhausen (a fourteenth century Thuringian apocalyptic preacher and flagellant).[46] On the other hand, the name 'Hus' did not conjure up images of abstract theological discussions, as would 'Arius' or 'Pelagius,' but memories of civil war. As Bagchi has noted: "The accusation of 'Bohemianism' … triggered a series of associations and reverberations within the German national consciousness, of treachery as much as heresy, of social disorder and border clashes as much as schism."[47] Luther's vigorous attempts during the disputation to distance himself from the accusation,[48] as well as the exchange with Emser discussed above, are a sign that he himself was aware of the minefield onto which Eck had lured him. Luther's comments on Hus during the disputation were a decisive element in turning Duke George into one of Luther's most bitter opponents.[49]

The association of Luther with Hus fit into a larger argument that Luther was an apostle of anarchy.[50] Alveldt openly worried that Luther's attack on the spiritual hierarchy "might awaken disobedience in the secular realm." Luther wants to turn Meissen, Saxony, and Thuringia into another Bohemia.[51] Catharinus was more blunt. Commenting in his *Apologia* on Luther's appeal to a council after the Augsburg meeting with Cajetan, he said that Luther may say "council," but in the ears of the prudent "council" means "schism, schism, division, division, hatred and war."[52]

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44 Franco Motta, "The Capture of the Minotaur: The Luther of Catholic Controversialists," in *Martin Luther: A Christian Between Reforms and Modernity (1517–2017)*, ed. Alberto Melloni (Berlin: De Gruyter, 2018), 713.

45 Motta, "Capture," 727.

46 Alveldt, *Ein Sermon*, Aiii.

47 Bagchi, *Luther's Earliest Opponents*, 106.

48 See, e.g., *WA* 59:475,1314–17.

49 Bagchi, *Luther's Earliest Opponents*, 235f. For greater detail, see Ingetraut Ludolphy, "Die Ursachen der Gegnerschaft zwischen Luther and Herzog Georg von Sachsen," *Lutherjahrbuch* 32 (1965): 33–37.

50 Bagchi, *Luther's Earliest Opponents*, 243.

51 Alveldt, *Ein Sermon*, Aiii.

52 Politus, *Apologia*, 17: "Putas non comprehendi in ore tuo et tui similium vocem hanc 'concilium' suam mutare significationem, et nihil aliud In auribus vere prudentum sonare 'concilium, concilium' nisi schisma, schisma, scissuram, scisurram, invidiam atque bellum?"

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1.5 *The Reduction of Authority to Scripture or the Gospel*

Did the Catholic critics in the years immediately following the disputation sense that Luther had in some way turned a corner at Leipzig, that now he was committed either to scripture alone as the norm of church teaching and practice or, more radically, a purely material understanding of authority, whereby a proposition is authoritative only if it states the gospel, regardless of whether it is proposed by a pope or council or is found in scripture.[53] Explicitly, few made such an accusation. When it appeared, the accusation was that Luther, when he reduced authority to scripture, in fact handed over church teaching to the individual, since each individual might interpret scripture in a different way. A few critics had seen Luther as overthrowing all authority in this way from the beginning, of course, and for them Leipzig marked nothing new.[54] In the wake of the disputation, the Catholic who stressed most emphatically that Luther had handed over doctrine to the individual's interpretation of scripture was Eck. At the very end of his *De primatu Petri* he states: "If one rejects the authority of the Roman pontiff and of councils, so that they rest only on positive human affirmations, what will be safe in Christian religion, whether we think of definitions and declarations of faith or canonization of saints or condemnations of heretics? All things according to Luther's opinion are dubious, suspect, and ambiguous.... Each is left to understand and expound scripture in his own way."[55]

While few others were as clear as Eck, the debate shows that the Catholic critics had an implicit sense of deeper issues. As already noted, the argument over the interpretation of the central biblical texts related to the papacy showed a marked difference in interpretive method. Catholic critics appealed

53 Martin Brecht, reading Luther from a Lutheran perspective, thinks Luther moved to this more radical position during the disputation. Speaking of Leipzig, he says: "For [Luther], authority had to be established on the basis of something's content," Brecht, *Luther: 1483–1521*, 339. On the distinction between formal and material authority in the Lutheran tradition, see Michael Root, "The Development of Doctrine: A Lutheran Understanding and Its Ecumenical Application," *Ecclesiology* 2 (2005): 35–51.

54 In May 1518, Tetzel had already said that Luther's rejection of church authority meant that "everyone will interpret scripture as he pleases," quoted in Bagchi, *Luther's Earliest Opponents*, 86.

55 Johannes Eck, *De primatu Petri adversus Ludderum Joannis Eckii libri tres* (Paris: Pierre Vikoue, 1521), f69a: "Si enim abiicit Romani Ponti. autoritatem, & conciliorum, ut quae humano sint firmata presidio, positivo subnixa iure, quod modo tutum erit in Christiana religione, sive contemplemur diffinitiones fidei & declarationes, sive sanctorum canonizationes, sive haereticorum condemnationes. Nam omnia ista iuxta Ludderanum sententiam erunt dubia, suspecta, & ambigua.... quisque pro capto suo sacram scripturam intelligeret, exponeret."

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to a consensus of the Fathers, councils, and popes, an interpretive norm to which Luther gave far less authority.[56]

The most obvious sign of an implicit Catholic awareness of the broader general issue of authority was the concern that Luther in the entire course of the disputation and its aftermath had sought to appeal over the head of the usual authorities within the church directly to the laity. Luther wanted a protocol of the disputation to be published so that the laity, and not merely a few faculties, could judge.[57] Luther asked at one point during the debate to make a few remarks in German for the sake of a wider audience.[58] When it was agreed after the disputation to submit the protocol to the universities of Erfurt and Paris for a judgment, Luther wanted the lay faculties of law, medicine, and the arts to be included among those who would make the decision.[59] Eck and other Catholics steadfastly resisted these moves, with mixed results.[60] The Catholics sensed that if neither contemporary church authorities nor the Fathers could pronounce decisively on the meaning of scriptural texts, then the judgment must ultimately fall to a much larger swath of the laity.

The Catholic critiques of Luther on authority following the Leipzig Disputation tended toward the extremes. They were either detailed disputes over precise points of exegesis and ecclesiology or sweeping accusations that doctrinal and political anarchy would result from Luther's assault on traditional structures of ecclesial authority. The defender of Luther can easily argue that the general accusations ignored Luther's nuances and qualifications. The question, as Bagchi has noted, is whether Luther's Catholic opponents understood the implications of what Luther was saying better than Luther did.[61]

1.6 *The Eclipse of the Leipzig Disputation*

The Leipzig Disputation quickly faded from the consciousness of most of the Catholic opponents of Luther. Of decisive significance was the failure, despite the efforts of Duke George, to obtain a judgment, a *determinatio*, on the disputation from the faculties of Erfurt and Paris. Erfurt, lobbied by the

56 Bagchi contrasts Luther's analytic approach to the Catholics' synthetic approach, *Luther's Earliest Opponents*, 85. Bagchi's contrast between the Catholics's pursuit of a consensus of authorities and Luther's reduction of authorities is helpful in understanding the logic of the debate. On this, see Bagchi, *Luther's Earliest Opponents*, 69, 80.

57 Bagchi, *Luther's Earliest Opponents*, 87.

58 Anselm Schubert, "Libertas Disputandi: Luther und die Leipziger Disputation als akademisches Streitgespräch," *Zeitschrift für Theologie und Kirche* 105 (2008): 437–38, 441.

59 Iserloh, *Eck*, 45.

60 Schubert, "Libertas Disputandi," provides a detailed summary of the negotiations on these matters.

61 Bagchi, *Luther's Earliest Opponents*, 240.

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Wittenbergers to refuse to act, informed Duke George at the end of 1519 that they would not give a judgment.[62] The University of Paris did not give a judgment until April 1521, by which time Luther had been excommunicated. Their judgment was a more general condemnation of Luther, with little reference to Leipzig. Luther's attitude to the papacy, the most prominent issue in the Catholic discussion following the disputation, is not mentioned.[63] One can only speculate on what course events might have taken had the two universities promptly given a decisive answer. Perhaps Leipzig would have played a more prominent historical role.[64]

The Leipzig Disputation seems not to have played a role in the condemnations of Luther in late 1519 by the faculties of Cologne and Louvain.[65] The participation of Eck in the drafting of *Exsurge Domine*, the papal bull of 1520 demanding that Luther recant or be excommunicated, assured that Leipzig would play a role in Luther's formal condemnation.[66] Of the forty-one theses rejected, eight (18, 19, 27, 29, 30, 31, 37, and 40) are direct quotations either from the disputation itself or Luther's *Resolutiones* related to the disputation.[67] An additional thesis (25), the one thesis in the entire bull that is not a direct quotation, seems to be a paraphrase of passages from Luther's explanation of Leipzig Proposition 13 and from one of his writings against Eck in the wake of Leipzig.[68] Five of the theses dealt with indulgences, good works, and purgatory,

62 Christian Winter, "Die Protokolle der Leipziger Disputation," in *Die Leipziger Disputation 1519*, ed. Markus Hein and Armin Kohnle (Leipzig: Evangelische Verlagsanstalt, 2011), 42.

63 Winter, "Protokolle," 43.

64 Erwin Iserloh, *Eck*, 46, suggests the importance of the absence of a decision on the disputation: "The absence of a decision by competent theologians may have contributed to the fact that the important discussions [at Leipzig] were not taken up and the Leipzig Disputation until now has not been sufficiently appreciated in its decisive significance on the way to the division of the church."

65 Both condemnations, which were coordinated, were based on a volume of Luther's writings published in Basel in the autumn of 1518. See Karel Blockx, "The Faculty of Theology in Conflict with Erasmus and Luther," *Louvain Studies* 5 (1975): 257–63.

66 Eck seems to have had a copy of the protocol of the disputation with him during at least one meeting of the commission that drafted the bull. See Peter Fabisch, "Johannes Eck und die Publikationen der Bullen 'Exsurge Domine' und 'Decet Romanum Pontificem'," in *Johannes Eck (1486–1543) im Streit der Jahrhunderte: Internationales Symposion der Gesellschaft zur Herausgabe des Corpus Catholicorum aus Anlass des 500. Geburtstages des Johannes Eck*, ed. Erwin Iserloh (Münster: Aschendorff, 1988), 82. Fabisch gives a detailed account of Eck's role in the preparation of *Exsurge Domine*.

67 The precise sources of the rejected theses were worked out by Heinrich Roos, "Die Quellen der Bulle 'Exsurge Domine' (15.6.1520)," in *Theologie in Geschichte und Gegenwart: Michael Schmaus zum sechzigsten Geburtstag*, ed. Johann Auer and Hermann Volk (Munich: K. Zink, 1957), 909–26.

68 The anti-Eck text was *Contra malignum J. Eccii iudicium, WA* 2:621–54.

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matters discussed, but not focused on, in the debate between Eck and Luther. Two (25, 27) dealt with the papacy, including the rejection of Luther's Leipzig thesis that the pope is not Christ's vicar over all the churches, and two (29, 30) with councils, including the rejection of Luther's assertion that the Council of Constance had condemned truly Christian statements by Jan Hus. Since the bull did not distinguish which of the rejected theses were heretical and which were only "offensive to pious ears or seductive of simple minds," the precise status of the theses taken from the disputation and its related texts was not clear. While *Exsurge Domine* was of great importance for the history of Luther and the Reformation, the importance of the particular theses rejected should not be overestimated. After all, the bull said nothing directly about Luther's doctrine of justification, the focus of the theologically weightiest text from the Council of Trent twenty-seven years later. After *Exsurge Domine*, the Leipzig Disputation plays no important role in official Catholic statements on Luther.

The disputation also faded from the ongoing public debate. Luther proved to be a moving target. Publications by Luther in 1520, especially *On the Papacy in Rome,* the *Address to the Christian Nobility of the German Nation*, and *The Babylonian Captivity of the Church* moved well beyond the positions Luther had taken in Leipzig. A comment by a recent biographer of Catharinus describes the situation: "While the Catholics often lost themselves in marginal details, their opponent had already occupied new positions."[69] The years after 1520 saw a marked increase in the number of publications opposed to Luther and they tended to focus on his later, more radical writings.[70] As the number of Luther's writings steadily increased, Catholics tended to turn away from writing responses to individual texts by Luther and toward more general critiques of Luther's theology, such as John Fisher's *Assertionis Lutheranae confutatio* of 1523 and Eck's *Enchiridion locorum communium adversus Lutherum et alios hostes ecclesiae*, first published in 1525. Such books did not, of course, contain footnotes with references to what texts of Luther were the source of the views under review. The most widely republished of such general works, Eck's *Enchiridion*, contained only one explicit reference to Leipzig, a comment that at the time of the disputation Luther still affirmed the existence of purgatory.[71] In his critical edition of the *Enchiridion*, Pierre Fraenkel identified

69 Giorgio Caravale, *Beyond the Inquisition: Ambrogio Catarino Politi and the Origins of the Counter-Reformation*, trans. Don Weinstein (Notre Dame: University of Notre Dame Press, 2017), 19.

70 Smolinsky, "Luther's Roman Catholic Critics," 505; Bagchi, *Luther's Earliest Opponents*, 147.

71 Johannes Eck, *Enchiridion locorum communium adversus Lutherum et alios hostes ecclesiae* (*1525–1543*), ed. Pierre Fraenkel, *CCath* 34 (Münster: Aschendorff, 1979), 262. Eck appears to be referring to *WA* 59:527,2930–35.

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one other location where Eck is perhaps referring to the disputation (in relation to the canonicity of Maccabees), but notes various other locations where Luther said similar things.[72] He also found one point at which Eck might be referring to Luther's *Contra malignum Eccii iudicium*, written in the wake of the disputation.[73] When in 1530 Eck published his *Four Hundred Four Articles*, a list of Protestant, primarily Lutheran, errors assembled in preparation for the imperial diet at Augsburg, he included all thirteen of the theses debated in Leipzig, but he also included the seven theses he had debated with Johannes Oecolampadius at Baden in Aargau in 1526. The complete list opens with a group of forty-one theses drawn from Luther's earliest published works. Of these forty-one, six come from the disputation or texts related to it. Of the final 339 theses, only five come from disputation-related texts.[74] Even in the writings of Eck, who had reason to remember the disputation more than any other Catholic writer, Leipzig had lost its prominence.

1.7 *The Significance of the Catholic Response*

What was the historical significance of the Catholic response to the Leipzig Disputation in the two years immediately following the event? Three conclusions seem clear.

First, by relentlessly emphasizing the question of authority, the Catholics kept up the pressure on Luther's developing thought on doctrinal authority during these crucial years of his theological evolution. If Eck had made a major contribution to that evolution by pressing Luther on Hus and the fallibility of councils during the disputation, the steady flow of Catholic writings arguing that Luther undercut all ecclesial teaching authority meant that even if Luther had wanted to let the subject rest, he could not do so. For the most part, however, the Catholic opponents seem not to have grasped that Luther had turned a sort of corner on this issue at Leipzig. Their conviction that the logic of Luther's position from the start implied doctrinal anarchy may have hid from them what had occurred.

Second, the Catholic writers seized on Luther's positive words about Hus and made the Hussite connection a repeated theme in Catholic polemics

72 Johannes Eck, *Enchiridion*, 38.

73 Johannes Eck, *Enchiridion*, 313.

74 Eck did not indicate from what text he drew each of his theses. For the attribution of particular theses to particular texts, see Robert Rosin's translation of Eck's Theses. Rosin himself utilizes the critical edition of the Theses by Wilhelm Gussmann. See Johannes Eck, "Four Hundred Four Articles for the Imperial Diet at Augsburg," trans. Robert Rosin, in *Sources and Contexts of The Book of Concord*, ed. Robert Kolb and James A. Nestingen (Minneapolis: Fortress Press, 2001), 31–82.

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through the 1540s. As noted, the Hussite specter was not just of ecclesial unrest, but social and political unrest. The ground was laid in these first years for the chorus of "we told you so" after the Peasant's War.[75]

Third, the wide attention given to the disputation and the sharp polemics on both sides following it brought the nascent Reformation to the attention of a much broader audience[76] and increased the pressure on the undecided to take a position.[77] Some were attracted (some humanists became more sympathetic to Luther in the face of the Catholic attacks[78]); some were repelled (most notably, Duke George). The disputation and its subsequent fallout were a step in the process by which the case of Martin Luther became the Reformation.

2 The Second Phase: Leipzig as Illustrative of Luther's Character (1540–1920)

The lack of attention to the Leipzig Disputation between the mid-sixteenth and late-nineteenth centuries is partially explained by the paucity of editions of the text of the disputation. Only one republication of the Latin of the text appeared between the first versions published immediately after the disputation and its inclusion in the second volume of the Weimar edition of Luther's works in 1884.[79] One must presume that Catholics who commented on Leipzig were dependent on Reformation texts that mentioned the disputation rather than on the disputation itself. Perhaps a lack of access to the text of the debate explains the absence in examples cited below of any reference to Luther's statement during the disputation that councils could err.

While Leipzig disappeared from Catholic accounts of Luther's theology, it remained present in Catholic consciousness as an event in Luther's biography.

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75 David V. N. Bagchi, "Introduction," in *Luther's Catholic Opponents*, ed. Michael Graham (Eugene, Ore.: Wipf & Stock, forthcoming).

76 Anselm Schubert calls Leipzig possibly the first event of the Reformation to find in a genuine sense a broad public. Schubert, "Libertas Disputandi," 442.

77 Brecht, *Luther: 1483–1521*, 323. Hellmut Zschoch, "Luther u. seine Gegner," 115, sees the publication of *The Babylonian Captivity* the next year as the end point of a process in which many initial sympathizers with Luther's critique of indulgences fell away.

78 Richard Rex, *The Making of Martin Luther* (Princeton: Princeton University Press, 2017), 130.

79 See Otto Seitz, *Der authentische Text der Leipziger Disputation (1519) aus bisher unbenutzten Quellen* (Berlin: C. A. Schwetschke n. Sohn, 1903), 2. This one republication was in Valentin Löscher's *Vollständige Reformations-Acta und Documenta*, vol. 3, of 1729. A German translation appeared in the early eighteenth-century Walch edition of Luther's works.

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In this biographical context, the disputation was read through a particular interpretive lens: Luther was a heretic. Heretics have not just gone astray theologically, victims of bad arguments; they are bad men. Their heresies are products of their vices.[80] From this perspective, Leipzig is not read for its role in Luther's development, but as an illustration of his (thoroughly bad) character.

This approach to Luther and the disputation was enshrined in the first Catholic biography of Luther, Johannes Cochlaeus's *Commentaria de actis et scriptis Martini Lutheri Saxonis* of 1549.[81] The early Luther "feigned modesty, humility, and obedience by very soothing words … but his heart was always filled with sharpness, pride, and rebellion."[82] Cochlaeus recognizes that Luther at Leipzig was still advocating obedience to the papacy as a human institution, but adds "unless he was dissembling everything."[83] Cochlaeus gives a brief, fair description of Luther's statements on Hus, noting Luther's vehement denial that he had approved of their schism.[84]

Cochlaeus portrays "the intrepid and indefatigable" Eck as the clear victor in the disputation. At the end, Luther was "at length exhausted." The Wittenbergers went home "with far less glory than they had hoped."[85] Luther had always desired a judgment by "the common and confused multitude … poets, mockers of theologians, and the common people who hate the clergy."[86] Fearing the outcome of a decision by competent judges, Luther and his friends resorted to writings in which they pretended they had prevailed. Luther's open letter to Spalatin which served as an introduction to his *Resolutiones* was filled with things "far from the truth."[87] Luther's attack on Emser was "so exuberant in its insults, so biting in its scoffing, so bitter in its calumnies" that Emser seemed more buried than attacked.[88]

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80 On the long tradition of reading heresy in this way, see Motta, "Capture," 727.

81 Johannes Cochlaeus, *Commentaria Ioannis Cochlaei de Actis et Scriptis Martini Lutheri Saxonis, Chronographice Ex Ordine Ab Anno Domini M.D. XVII. Usque Ad Annum M.D. XLVI. Inclusiue, Fideliter Conscripta. Adiunctis Duobus Indicibus, & Edicto Vuormaciensi* (Mainz: F. Behem, 1549; reprinted, Farnborogh: Gregg Press, 1968). For an English translation, see Johannes Cochlaeus, "The Deeds and Writings of Martin Luther from the Year of the Lord 1517 to the Year 1546 Related Chronologically to All Posterity," in *Luther's Lives: Two Contemporary Accounts of Martin Luther*, trans. Elizabeth Vandiver (Manchester: Manchester University Press, 2002), 54–355.

82 Cochlaeus, *Commentaria*, 11; "Deeds and Writings," 65.

83 Cochlaeus, *Commentaria*, 15; "Deeds and Writings," 69.

84 Cochlaeus, *Commentaria*, 16; "Deeds and Writings," 70.

85 Cochlaeus, *Commentaria*, 16; "Deeds and Writings," 70.

86 Cochlaeus, *Commentaria*, 15; "Deeds and Writings," 69.

87 Cochlaeus, *Commentaria*, 17; "Deeds and Writings," 71.

88 Cochlaeus, *Commentaria*, 18; "Deeds and Writings," 72.

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For Cochlaeus, the Leipzig Disputation manifested Luther's flaws. Luther showed himself proud, devious, rebellious, and insulting. Cochlaeus recognized development in Luther's public statements on the papacy, but suspects his earlier, more moderate position was a dissimulation. Interestingly, even when he discusses Luther's comment on Hus, he makes no mention of Luther's admission that councils could err. What is today seen as the most decisive moment in the disputation goes unmentioned.

Cochlaeus' approach to Luther as a bad tree that inevitably produced bad fruit set the pattern for most Catholic interpretations of Luther from the sixteenth century all the way to the early twentieth.[89] Accordingly, in the later sixteenth century Robert Bellarmine could say that "envy and ambition" were "the main cause of all the heresies of our time."[90] For such a view, tracing the development of Luther's theological ideas as a process of thought, even if the documents had been available to do such, was beside the point. The Leipzig Disputation could only be viewed as an illustration of character, not as a theological inflection point.

This approach is evident in one of the most learned Catholic discussions of Luther written between Cochlaeus and the new historical work of the nineteenth century, Jacques-Bénigne Bossuet's *Histoire des Variations des Églises Protestantes* of 1688.[91] Bossuet read extensively in the primary sources, including what was available from the early Luther. He is not blind to Luther's strengths. Luther had "a strength of genius … a lively and impetuous eloquence."[92] Bossuet avoided crude polemics. In the study's opening section on developments between 1517 and 1520, he offers a careful critique of Luther's early emphasis on the certainty of forgiveness.[93] Nevertheless, the pattern noted above is not broken.

89 One usually in this context cites Adolf Herte, *Das katholische Lutherbild im Bann der Lutherkommentare des Cochläus*, 3 vols. (Münster: Aschendorff, 1943). The comprehensiveness of Herte's survey of Catholic interpreters of Luther is hardly to be faulted, but he tends to see Cochlaeus lurking in every shadow. Because a writer, e.g., finds pride behind Luther's insistence that his understanding of the gospel is correct and his opponents either blind, venal, or both does not mean that the writer has been influenced by Cochlaeus. See, e.g., Herte's judgments at *Das katholische Lutherbild*, 2: 25, 36, 129.

90 Quoted in Motta, "Capture," 723.

91 Jacques-Bénigne Bossuet, *Histoire des Variations des Églises Protestantes*, Oeuvres Complétes 14 (Paris: Louis Vivès, 1863); English translation, Jacques-Bénigne Bossuet, *History of the Variations of the Protestant Churches* (Fraser, Mich.: American Council on Economics and Society, 1997).

92 Bossuet, *Histoire*, 23; *History*, 18.

93 Bossuet, *Histoire*, 24–31; *History*, 19–24.

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On the one hand, the Leipzig Disputation has faded from view. Luther's rejection of ecclesial authority is at the center of the presentation, but the disputation itself is not mentioned.

On the other hand, the roots of Luther's views are found exclusively in negative aspects of his character. Bossuet is aware of a development in Luther during these years, focusing on Luther's outward attitude to the pope. Luther states initially his readiness to submit to papal judgment, but once *Exsurge Domine* is promulgated, he responds with "clouds of writings, … filled with contempt."[94] Luther writes as "a doctor, that dogmatized in cold blood, and erected all his frenzies into theses … Through his whole discourse appeared mockery and violence; the two marks of exasperated pride."[95]

Bossuet did not believe Luther had only feigned his former, more submissive attitude to church authority. How then to explain the shift? "Was it not that pride, unacquainted with itself in its beginnings, and fearful at first, hides behind its contrary, till an occasion presents of appearing to advantage?"[96] The early Luther was a man divided between pride and "the remains of faith," but pride won out.[97] Bossuet is more sensitive than Cochlaeus to Luther's development, but it is still understood on the model of heresy deriving from a failure of character.

One partial departure from this model can be found in a twenty-seven-page entry on Luther by Ignaz von Döllinger in Herder's *Kirchenlexikon* of the 1850s.[98] For Döllinger, what is present from 1515–1516 on, shaping Luther's development, is not pride or some other character flaw, but a particular (and for Döllinger, profoundly erroneous) understanding of justification as strictly imputational.[99] He does turn to Luther's biography to explain Luther's theological commitments. Although he was fundamentally unsuited for a monastic life, Luther precipitously joined the Augustinians after being terrified by a

94 Bossuet, *Histoire*, 36; *History*, 27 (translation altered).

95 Bossuet, *Histoire*, 37; *History*, 28.

96 Bossuet, *Histoire*, 38; *History*, 29.

97 Bossuet, *Histoire*, 39; *History*, 29.

98 Ignaz von Döllinger, "Luther," in *Kirchen-Lexikon, oder, Encyklopädie der Katholischen Theologie und ihrer Hilfswissenschaften*, ed. Heinrich Joseph Wetzer and Benedict Welte, 12 vols. (Freiburg im Breisgau: Herder, 1851), 6:651–78. Döllinger at this time was still strongly ultramontane; see Thomas Albert Howard, *The Pope and the Professor: Pius IX, Ignaz von Dollinger, and the Quandary of the Modern Age* (Oxford: Oxford University Press, 2017), 70. He had given a similar, though less detailed, reading of the early Luther and the Leipzig Disputation much earlier in Johann Nepomuk Hortig and Ignaz von Döllinger, *Handbuch der christlichen Kirchengeschichte, Vol. 2.2* (Landshut: P. Krüll, 1828), 413–23.

99 Döllinger, "Luther," 652.

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lightning bolt in 1505.[100] Unable to find peace on a path for which he was unfit, he radically reversed himself, denying the significance of any human action for justification. Luther became aware of the implications of this conclusion only in the course of the disputes in the first years of the Reformation.[101] He remained torn, however, between his new theology and his residual commitment to the Church. The Leipzig Disputation (and the condemnations by the faculties of Louvain and Cologne) forced him to recognize that his continuing attempts to salvage some connection to existing church structure (e.g., by appealing from a pope ill-informed to a pope better-informed following the Augsburg meeting with Cajetan) were hopeless. These events and the support of such figures as Karlstadt, Melanchthon, and Sickingen led Luther toward his final break in his writings of 1520.[102] The Leipzig Disputation is given a role in Luther's development, but Döllinger does not explore the disputation and its related texts in any detail.

Döllinger, like his Catholic predecessors, saw Luther as a deeply flawed man. Luther's spiritual struggles as an Augustinian left him with "a fire of anger and of a wrath mounting to the level of hatred which later broke out in flames and already then, even though held back and contained by his ascetic efforts, glowed within him."[103] Luther's character is not the immediate cause of his heresy, however. The false theology of justification drove him forward.

This long second phase of the Catholic interpretation of Luther and the Leipzig Disputation came to an end with two large and influential studies of Luther that appeared at the beginning of the twentieth century. Heinrich Denifle's *Luther und Luthertum in der ersten Entwicklung: Quellenmässig dargestellt* of 1904–1906 outdid its predecessors in interpreting Luther, his actions, and his theology in terms of his flawed character.[104] Luther was a hate-filled, deceptive, vulgar man, lacking almost any positive qualities, captive to his desires, especially sexual desires.[105] He hated scholastic theology, about which he

100 Döllinger, "Luther," 651.

101 Döllinger, "Luther," 652.

102 Döllinger, "Luther," 657.

103 Döllinger, "Luther," 652f.

104 Heinrich Denifle, *Luther und Luthertum in der ersten Entwicklung: Quellenmässig dargestellt*, 2nd ed. (Mainz: F. Kirchheim, 1904–1906). An English translation of the first half may be found in Heinrich Denifle, *Luther and Lutherdom, from Original Sources*, trans. Raymund Volz (Somerset: Torch Press, 1917).

105 The titles of some subsections of Denifle's work indicate his view: "Luther Seduces into Hypocrisy and Lying" (1, C); "The Duping of Nuns by Luther" (1, G); "Luther's Buffooneries" (1, I).

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knew little and understood less.[106] The first half of Denifle's study is devoted to Luther's attack on religious vows and celibacy. Denifle goes on to recount Luther's development, but the "middle point of his theology" is his "deplorable inner life" [*trauriges Innere*].[107] For such an interpretation, the Leipzig Disputation is insignificant, and it plays no role in Denifle's portrait.

Denifle's study did, however, in a significant respect look forward to later, more nuanced readings of Luther. Denifle, a respected scholar of medieval theology and mysticism, related Luther to the late-medieval theology and piety in which he was raised and trained.[108] While Denifle's emphasis was that Luther was a bad man who brought bad late-medieval trends to their completion, later scholars would continue this line of study in diverse ways.[109]

Hartmann Grisar's multi-volume *Luther* of 1911–1912 is a different sort of book.[110] Grisar is clear that theology is secondary for his study; he wishes to give a historical and psychological picture of Luther's personality.[111] While Grisar does not indulge in Denifle's denunciations, the picture he gives of Luther is of a psychologically disturbed man, driven by a dominating morbidity that expressed itself in fear of God, terror at predestination, and a disbelief in the possibility of good works.[112] Luther's psychology is the key to his life and thought. Grisar recounts the events of the Leipzig, but does not ascribe to them great significance. They "merely induced Luther to proceed yet further with his revolutionary theology."[113]

106 After quoting an opinion of Luther's on scholastics as Pelagians, Denifle, *Luther u. Luthertum*, 566 comments: "Anyone slightly acquainted with Thomas and the history of scholasticism must marvel at the ignorance and confusion displayed in these few sentences." Luther does, in fact, display a striking misunderstanding of medieval theology in the passage quoted.

107 Denifle, *Luther u. Luthertum*, 620.

108 See especially his follow-up study, Heinrich Denifle, *Die abendländischen Schriftausleger bis Luther über Justitia Dei (Rom. 1, 17) und Justificatio* (Mainz: F. Kirchheim, 1905).

109 On this contribution of Denifle, see Patrizio Foresta, "The Catholic Damnation and Redemption of Luther," in *Martin Luther: A Christian Between Reforms and Modernity (1517–2017)*, ed. Alberto Melloni, 781–801 (Berlin: De Gruyter, 2017), 785.

110 Hartmann Grisar, *Luther* (Freiburg im Breisgau: Herder, 1911–1912); English translation [ET] is Hartmann Grisar, *Luther*, trans. E. M. Lamond (St. Louis: Herder, 1913–1917).

111 Grisar, *Luther*, I.v; ET, I.xxvii.

112 See esp. Ch. 36, "The Darker Side of Luther's Inner Life" (Grisar, *Luther*, III.596–673; ET: VI.99–186).

113 Grisar, *Luther*, I.294; ET, I.362.

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3 The Third Phase: Weighing the Leipzig Disputation in the Balance of History (1920–Present)

In 1926, Joseph Lortz published an essay entitled, "Die Leipziger Disputation 1519."[114] Despite genuine continuities with the tradition running from Cochlaeus to Grisar, a different atmosphere pervades the presentation. The polemical tone that had dominated earlier presentations is largely missing. Luther is treated with respect. Unlike Eck, Luther's convictions were "living."[115] The need for a carefully balanced assessment of Luther is stressed, even while admitting that such an assessment is "incredibly difficult" for the modern historian.[116] While Luther's personal characteristics come into play in interpreting his theology and his flaws are not covered up, the focus is on theology, not on Luther's personal failings. And, for the first time, the center of attention is the actual text of the dialogue, by then widely available in scholarly editions. The interpretation Lortz gave of the disputation in this essay remained unchanged in essentials in his later, comprehensive *The Reformation in Germany* (1939–1940), though some shifts of emphasis will be noted.[117]

Lortz's focus is entirely on the discussion of the papacy and authority, especially on "the fateful words" (*die schicksalsschweren Wörte*) of July 5, when Luther, under pressure from Eck, said that propositions of Hus had been wrongly condemned, that it was false that every Christian must adhere to the pope to belong to the Church, and that divine law was to be taken only from Scripture.[118] With these words, Luther had raised the decisive question of the age, toward which it was an imperative necessity to take a stand. At the same time, Luther had "unambiguously placed himself outside church teaching, outside the church."[119] As Lortz would later say, Leipzig "must be counted as one of the decisive moments of the Reformation."[120]

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114 Joseph Lortz, "Die Leipziger Disputation 1519," *Bonner Zeitschrift für Theologie und Seelsorge* 3 (1926): 12–37. Lortz states that the essay is taken from a forthcoming volume, *Reformationsgeschichtliche Grundfragen*, in which he promises to give a fuller citation of sources, Lortz, "Die Leipziger Disputation 1519," 12. The volume does not appear to have been published. Lortz also states that he is preparing an annotated edition of the Acta of the disputation, to appear in the series *Corpus Catholicorum*. This volume also seems never to have appeared.

115 Lortz, "Die Leipziger Disputation 1519," 15.

116 Lortz, "Die Leipziger Disputation 1519," 32.

117 Joseph Lortz, *The Reformation in Germany*, ed. Ronald Walls (London: Darton, Longman & Todd, 1968).

118 Lortz, "Die Leipziger Disputation 1519," 22–23.

119 Lortz, "Die Leipziger Disputation 1519," 23.

120 Lortz, *Reformation*, 251.

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Nevertheless, Lortz insists that the importance of Leipzig should not be seen in isolation. While the grounds for Luther's statements can be found in his earlier writings, they seem not to have been explicitly present in his consciousness and had never been so clearly and decisively formulated.[121] The disputation was a crystallization point of a development already well underway and, in that sense, "only an episode."[122]

That the Leipzig Disputation is to be seen as a moment within a development in which that which had been only vague and implicit became public and defined is not a new assertion with Lortz; it can be found in writers already here surveyed. Different in Lortz's analysis is a spirited defense of Luther's honesty against Catholic writers, who see him as often during this period hiding his real, more radical opinions. Luther did in fact waver; Lortz doesn't deny the difficulty in believing that Luther was always speaking in good faith.[123] At the time of the disputation, however, Luther was torn. Catholic allegiance was not a coat easily shed; it had taken root in his soul.[124] Who can be surprised that Luther sometimes spoke in contradictory ways, even in the same text?

Lortz also goes beyond his predecessors in a more careful placement of Leipzig in its historical context. A decisive challenge for the late-medieval church, he argues, was how to divest the papacy of the "fullness of power" [*Machtfülle*] it enjoyed in the high Middle Ages without denying the papacy's genuine jurisdictional authority. This challenge had been wrestled with, but not resolved, leaving a fundamental "unclarity" regarding the papacy. This unclarity lies at the heart of the disputation and explains the lagging recognition that Luther had made a decisive break.[125]

When Lortz comes to assess the disputation as a whole, he also breaks new ground. Leipzig was the confrontation of two forms of thought. Luther's theological development had been subjective and deeply religious;[126] Eck represented the theological-speculative approach of a scholasticism that had

121 Lortz, "Die Leipziger Disputation 1519," 23.

122 Lortz, "Die Leipziger Disputation 1519," 24.

123 Lortz, "Die Leipziger Disputation 1519," 33.

124 Lortz, "Die Leipziger Disputation 1519," 31–32.

125 Lortz, "Die Leipziger Disputation 1519," 23. Not present in the 1926 essay is the broader "unclarity thesis" that Lortz would lay out in *Reformation*, in which nominalism and Ockham play a much more central role in creating this confusion; Lortz, *Reformation*, 233. Even in the later work, however, the status of the papacy is still seen as at the heart of the unclarity. For instance, see Lortz, *Reformation*, 234.

126 While Lortz is critical in this essay of Luther's subjective mode of thought (see Lortz, "Die Leipziger Disputation 1519," 34), he does not, as he would later, put forward "subjectivism" as a negative category for a general understanding of Luther, Lortz, *Reformation*, 259f. Cf., however, Lortz's clarification in Joseph Lortz, "The Basic Elements of Luther's

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become mechanical.[127] Almost inevitably, they were ships passing in the night, failing to truly see and understand one another.[128] If Eck, for all his dialectical skill, failed at Leipzig, it was because he "was a theologian, but not an authentic representative of catholic-religious man."[129] Perhaps (but Lortz insists, only perhaps) things might have turned out differently in the first years of the Reformation if instead of Eck, Tetzel, and Prierias, Luther had encountered Newman or Contarini.[130]

Lortz's reading of Leipzig shaped later readings,[131] but shifts can be seen in the 1960s and later. Two interrelated changes are particularly important. First, Catholic studies of Luther become less biographical and developmental and more analytical and systematic-theological.[132] The Leipzig Disputation inevitably was less important for the more systematic approach.

Second, the context for a Catholic assessment of Luther changed. In the discussions noted from Lortz and Iserloh, Leipzig was significant as the locus for Luther's decisive step into error. In the new, post-conciliar ecumenical context, locating Luther's error became less important than coming to a new, more positive Catholic appreciation of Luther. The concern became what Catholics can learn from Luther.[133] A more positive Catholic reading of Luther

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Intellectual Style," in *Catholic Scholars Dialogue with Luther*, ed. Jared Wicks (Chicago: Loyola University Press, 1970), 3–33, esp. 22.

127 Lortz, "Die Leipziger Disputation 1519," 14, 36.

128 Lortz, "Die Leipziger Disputation 1519," 34.

129 Lortz, "Die Leipziger Disputation 1519," 37.

130 Lortz, "Die Leipziger Disputation 1519," 29–30.

131 Erwin Iserloh gives a similar interpretation of the role of the disputation in Luther's thought, including the judgment that here Luther expressed genuinely church-dividing views. He states about Luther's rejection of both papal and conciliar infallibility at Leipzig: "Thereby was the fateful, in reality church-dividing thesis stated, even if with reservation: the church could and had erred. To this the Leipzig Disputation would come to be reduced," Iserloh, *Eck*, 43.

132 Theo M. M. A. C. Bell, "Roman Catholic Luther Research in the Twentieth Century: From Rejection to Rehabilitation," in *Oxford Handbook of Martin Luther's Theology*, ed. Robert Kolb, Irene Dingel, and L'ubomir Batka (Oxford: Oxford University Press, 2014), 589. This change can sound innocuous, but, partly because it was bound up with other issues, it proved contentious. See the exchange between Peter Manns, self-consciously representing a more "Lortzian," historical approach, and Otto Hermann Pesch, representing the more systematic-theological approach, in Peter Manns and Harding Meyer, eds., *Luther's Ecumenical Significance: An Interconfessional Consultation* (Philadelphia: Fortress Press, 1984), 3–45.

133 Günter Frank, "Luther in Catholic Historiography and Theology: The Nineteenth and Twentieth Centuries," in *Martin Luther: A Christian Between Reforms and Modernity*, 992–96.

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became a project, even a cause. Negative assessments of Luther were referred as "setbacks"[134] or "regressions."[135]

This shift in Catholic readings of Luther was also shaped by the turbulence of post-Vatican II theology. To say, as Lortz had about Leipzig, that Luther had taken un-Catholic positions implies some clear sense of what is and what is not Catholic. When the bounds of "Catholic" are up for grabs, such a judgment becomes questionable. If Catholic theologians were now saying just what Luther was condemned for saying by *Exsurge Domine*, could Catholic assessments of Luther remain unchanged?[136]

The differences between the historical and systematic-theological approaches to Luther became allied to different approaches to such a re-reading in the new, post-conciliar context. For Peter Manns, a loyal student of Lortz, the goal was to find the "Catholic Luther," the Luther who had re-discovered, even if in an exaggerated and one-sided way, authentic aspects of the tradition which had been lost to the late-medieval church and then excluded by the Catholic over-reaction to what was problematic in Luther.[137] For Otto Hermann Pesch, what contemporary Catholicism needs is less this "Catholic Luther" and more the problematic "Lutheran Luther." The tension between personal faith and the social institution of the church that was at the center of Luther's religious experience has in the modern world become "constitutive for a consciously lived existence in faith." Without intending to be such, Luther was a theologian of modernity.[138]

These differing approaches to Luther show up in how Manns and Pesch read the Leipzig Disputation. For Manns, Luther's statements at Leipzig were "not only misinterpretable, exaggerated, and one-sided but clearly heretical in tendency."[139] Nevertheless, what he said there and in the great tracts of 1520 were "never unambiguous or definitive, let alone clearly 'un-Catholic.'" What he said could have been taken up in a way that "would have allowed for Luther's distinctive approach, yet been perfectly understandable as 'Catholic.'"[140] The

134 Frank, "Luther in Catholic Historiography," 991.

135 Otto Hermann Pesch, "The 'Lutheran' Luther – A Catholic Possibility? An Attempt at an Understanding of 'Historical Luther Research' and 'Systematic-Theological Luther Interpretation,'" in *Luther's Ecumenical Significance*, 28.

136 Frank, "Luther in Catholic Historiography," 990.

137 For a self-critical, but still affirmative exposition of this outlook, see Peter Manns, "The Validity and Theological-Ecumenical Usefulness of the Lortzian Position on the 'Catholic Luther,'" in *Luther's Ecumenical Significance*, 3–26.

138 Otto Hermann Pesch, *Hinführung zu Luther* (Mainz: Matthias-Grünewald, 1982), 114.

139 Peter Manns, *Martin Luther: An Illustrated Biography*, trans. Michael Shaw (New York: Crossroad, 1982), 119.

140 Manns, *Illustrated Biography*, 120.

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defects in Luther's assertions came not from "the theological apparatus but can be explained by historical accidents."[141] Division was not a "theological necessity," but was driven by a "historical necessity" with all too human causes.[142]

Pesch sees four events as decisive in Luther's path from the *95 Theses* to his break with the church: the Heidelberg Disputation of 1518, the encounter with Cajetan at Augsburg later that year, the Leipzig Disputation, and Luther's appearance at Worms in 1521. The most important, he believes, was the meeting with Cajetan. Leipzig and Worms were only "consequences which must be derived from new positions already arrived at – theological-ecclesiological consequences in Leipzig, personal and political in Worms."[143] The emphasis he lays on the meeting with Cajetan is shaped less by its role in public events than by the way it is an "illustration" [*Veranschaulichung*] of Luther's reformation breakthrough. For Pesch, this breakthrough comes with Luther's recognition that the theological convictions to which his conscience was bound had come into conflict not with this or that opposed opinion, but with the church itself, and that he must now take up the challenge, on the basis of his office as scriptural teacher, to help the church to a new awareness of the truth of the gospel.[144] Luther did not come to this recognition for the first time at Augsburg, but at Augsburg the conflict over the relation of the nexus of faith and gospel to the authority of the church comes into sharp focus and the extent of the forces that oppose him becomes clearer.[145] Leipzig was not significant in the same way.

That what Pesch finds important about the confrontation with Cajetan is also what he stresses as central to the contemporary significance of Luther for Catholic thought can hardly be seen as accidental. Similarly, Manns' assertion that it was not the theological ideas that Luther put forward at Leipzig that necessitated division, but human failures of a non-theological sort also fits with his goal of an enrichment of the Catholic tradition through the "Catholic Luther." As with earlier Catholic Luther interpreters, the interpretation of individual events was part of a larger interpretation, set forth with an eye to the contemporary Catholic situation.

Catholic Luther scholarship since the days of Manns and Pesch has not stood still. In the meantime, however, the Catholic interpretation of Luther has not retained the same power to attract new scholars, new interests, or new

141 Manns, *Illustrated Biography*, 119.
142 Manns, *Illustrated Biography*, 120.
143 Pesch, *Hinführung zu Luther*, 104.
144 Pesch, *Hinführung zu Luther*, 97.
145 Pesch, *Hinführung zu Luther*, 110, 112.

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lines of interpretation, either of the life and thought of Luther as a whole or of the Leipzig Disputation. Mention should be made before closing this survey of a recent interpretation of Luther and Leipzig that takes a different tack.

In his *Rebel in the Ranks* and, even more in his *The Unintended Reformation*, Brad S. Gregory presents a sweeping narrative of decline setting in with Scotus' alleged undermining of the analogy of being and ending in the contemporary world.[146] In this process, the Reformation forms the "critical watershed."[147] The most significant consequence of the Reformation, a consequence utterly unintended, was the destruction of the religious consensus of the West, with deeply problematic results.[148]

Gregory stresses how little these consequences were foreseen. Luther stumbles into the role of reformer; he is a "reluctant rebel" (the title of the first chapter of *Rebel in the Ranks*). Having developed his theology of justification through personal spiritual struggle, his irritation with Tetzel's crude indulgence preaching pulls him into a public debate in which he is pressured to deny what he had won with such difficulty.[149] As the argument over indulgences proceeded, he drove an ever-sharper wedge between the Bible and the Fathers, on the one hand, and scholastic theology on the other.[150] In the encounter with Cajetan, Luther began to see the deep divergence between "his religious experiences and understanding of God's Word" and claims about the pope as authoritative interpreter.[151] The divergence became a break in the Leipzig Disputation. Painted into a corner by Eck's questions about Hus and the Council of Constance, Luther denies both pope and council as "final authorities and arbiters of Christian truth" and falls back on the one certain foundation, Scripture. At Leipzig, "almost despite himself, Luther sharpens the emphasis on Scripture that has been central to him for years, the source of succor in his spiritual struggles dating back to long before he became a public figure in late 1517." This move is decisive. "For Luther the Leipzig Disputation is a watershed, a point of both arrival and departure."[152]

146 Brad S. Gregory, *Rebel in the Ranks: Martin Luther, the Reformation, and the Conflicts That Continue to Shape Our World* (New York: HarperOne, 2017); Brad S. Gregory, *The Unintended Reformation: How a Religious Revolution Secularized Society* (Cambridge, Mass.: Harvard University Press, 2012).

147 Gregory, *Unintended Reformation*, 2.

148 Gregory, *Rebel in the Ranks*, 259.

149 Gregory, *Rebel in the Ranks*, 33–34.

150 Gregory, *Rebel in the Ranks*, 48.

151 Gregory, *Rebel in the Ranks*, 58.

152 Gregory, *Rebel in the Ranks*, 63.

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The problem was that others, even others who joined with Luther in his revolt against Rome, did not agree with Luther on just what Scripture meant. The result was endless debate, confusion, and acrimony. "The assertion that Scripture alone was a self-sufficient basis for Christian faith and life … produced not even rough agreement, but an open-ended welter of competing and incompatible interpretations of Luther's 'one certain rule' [i.e., Scripture] and Karlstadt's 'naked truth.'"[153] Since religion was interwoven with the public and political order, the differences turned from words to weapons in the devastating wars of religion of the sixteenth and seventeenth centuries. The way out of the impasse was the widespread privatization of religion within a secularized political and, increasingly, cultural order.[154] For an extended time, residual Christian beliefs about the good could hold Western societies together, but eventually that source ran out. "In combination with the exercise of power by hegemonic, liberal states, a symbiosis of capitalism and consumerism is today more than anything else the cultural glue that holds together the heterogeneity of Western hyperpluralism."[155]

With Gregory, we have in a sense come full circle. The first wave of Catholic responses to the Leipzig Disputation emphasized that Luther's views would lead to ecclesial and political disorder, fostering disobedience and rebellion. Gregory makes an analogous argument. Luther's turn at Leipzig to an unregulated dependence on a presumably perspicuous Scripture failed and the cost of the failure was ecclesial disorder, followed by disastrous political disorder, ending in a problematic and perhaps unsustainable form of secularization. Gregory differs from the earliest Catholic critics in placing the Reformation into a larger "declension narrative," rooted in Scotus and the late-medieval nominalists.[156] Also unlike most earlier Catholic critics, for Gregory the actual content of Luther's ideas about such matters as justification, salvation, and good works seems not immediately significant for the resultant disorder. What is decisive is that Luther's protest led to irresolvable disagreement. Apparently, for Gregory's analysis, especially in the more narrowly focused *Rebel in the Ranks*, if Western Christendom had come to a rapid consensus that Luther was right on justification and related matters, the Reformation would not have had

153 Gregory, *Unintended Reformation*, 94.

154 Gregory, *Rebel in the Ranks*, 211–12.

155 Gregory, *Unintended Reformation*, 23.

156 In this respect, Gregory is similar to Denifle and Lortz. Gregory's analysis is of a piece with other recent, Catholic-oriented declension narratives, such as Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, Ind.: University of Notre Dame Press, 1981); Patrick J. Deneen, *Why Liberalism Failed* (New Haven: Yale University Press, 2018), though differing from these two in his emphasis on the crucial significance of the Reformation.

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the negative results Gregory stresses. To a large degree, this aspect of Gregory's discussion is a function of the fact that he is a historian and not a theologian. If there is a decisive theological problem in Luther for Gregory, it is Luther's rejection of a binding communal means of settling arguments. For Gregory, even more than for Prierias, Eck, et al., it really was all about authority.

4 Conclusion

The Catholic response to and interpretation of the Leipzig Disputation has taken a long and circuitous path. Unlike the first responses, in which Catholics were often limited in what documentary sources they had about the disputation and usually a step behind Luther's rapidly evolving theology, and the long period of confessional polemic, Catholic discussions of Leipzig over the last century have been based on a full record and manifest a balance previously lacking, even while often remaining sharply critical of Luther. On the whole, Catholic and Protestant readings of what was important about the disputation and how it fits into Luther's development have become similar.[157]

Catholic readings of the Leipzig Disputation have rarely taken it up as an isolated phenomenon without considering its theological repercussions and implications. Luther was and is too important to be left to the scholar without a sense for the larger issues that are still very much alive. Rather, interpretations of the disputation have been part of a larger assessment of the significance of the Reformation for the Catholic Church – a threat from within, the barbarian beyond the gates who must be excluded, a possibility that Catholicism has too long excluded, the cutting edge of the dissolving acids of modernity. Scholars can agree on what happened and its historical effects. Assessment of what happened is a part of a larger, inevitably theological task.

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APPENDIX

The Disputation between John Eck and Martin Luther (1519)

A Select Translation

Carl D. Roth and Richard J. Serina, Jr.

This translation offers the most pivotal sections of the debate over Roman primacy between Luther and Eck. It includes their exchanges over the exegetical, historical, and legal sources for primacy, the Greek church's rejection of primacy, the condemnation of Jan Hus at the Council of Constance, and the fallibility of councils, culminating in Eck's denunciation of Luther as "a heathen and a publican." Each section begins with the translators' description of the debated topic, as well as line numbers from the critical edition. The page numbers are embedded in the text. The translators wish to thank volume contributor Tom Izbicki for his careful reading of an earlier draft and clarification of many troublesome spots.

Luther defends the Bohemian appeal to the Greek church's rejection of Roman primacy **[WA 59:462,909–464,974]**

[*5 July in the morning*]

[WA 59:462] Lord Doctor Martin:

Because the distinguished Lord Doctor charges me with being a clear and zealous advocate for the Bohemian faction, may the Lord pardon him, especially in so great a circle of such great men. Never has schism pleased me, nor will it ever please me whatsoever. The Bohemians were wrong, because by their own authority they severed themselves from our unity, even if divine law was on their side, since the highest divine law is love and unity of spirit.

I have only sought, and ask whomever is a Christian, if in Christian love he might consider whether it is not by far the most shameful error to eject from the church so many thousands of martyrs and saints who for fourteen hundred years were part of the Greek church – and now finally also wish to cast them out of the kingdom of heaven? For even if all the flatterers of the Roman pontiff have gone mad, they cannot deny that the church of Christ had already been founded twenty years, and spread throughout the better part of the world, before the Roman church was made by Peter, as is most clearly shown in the Epistle to the Galatians [1:18; 2:1], where Paul writes that after three years he had come to Peter, and then after fourteen years he had gone up

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to Peter again. If this is considered, one will find that it was almost eighteen years after the ascension of Christ, when Peter was still at Jerusalem, not to mention the years in which he was seated at Antioch. Thus, it is impossible to say that the Roman church was first and head by divine right (*iure divino*).[1] But it is even more weighty that the Greek church up to our own times never had its bishops confirmed by Rome. If it were divine law, then for that entire time all the bishops of Alexandria and many of the saints of Constantinople, such as Gregory of Nazianzus and many others, would have been damned [as] heretics and Bohemians. Nothing more detestable could be said than this blasphemy.

Response to the arguments:

When the distinguished Lord Doctor says, "The equality of the apostolate does not presuppose primacy," and he adduces the holy martyr Anacletus (*distinctio 21, c In novo testamento*),[2] I respond briefly: this is one of those most trivial decretals [*frigidissimis decretis*], which I challenge, nor will anyone persuade me that this decretal is from a most holy pontiff.

To the second argument: I have not put any force in the ordination of the apostles, about which we will see in my objection.

[WA 59:463] Third, he brings in Cyprian[3] as one who considers the apostles equal both in honor and in power, although I have said that Peter was foremost in honor (I freely admit) and, if it is necessary, I am more than willing to be wrong, if only the Lord Doctor would for the sake of truth admit this and tell me later whether that principate [of Peter] continues now. I still say that the honor of the apostles is equal with respect to one another, but among them they have rightly given the first place to Peter. Indeed, every one of the apostles has the same honor in his own place, just as every bishop has the same honor in his own diocese.

He reproves me for not having responded to Cyprian: I have looked for the epistle and have not found it. Nevertheless, this is sufficiently answered from precedents: that Cyprian, in many writings, bestows upon each church its own head. Those who were from Numidia do not prove that it was a divine law, but they demonstrate a bare fact, just as in a similar case Acacius in effect ordained Felix the Roman pontiff, which was said yesterday. On the contrary, Epiphanius,[4] bishop of Cyprus, deposed the greater bishop of Constantinople,

1 In this context, *ius divinum* refers to the papacy being established by divine right, or according to Holy Scripture. Throughout the majority of the selections translated here, Luther uses *ius divinum* as a synonym for Holy Scripture. In those cases, it is translated with the customary medieval designation "divine law."

2 *Decretum Gratiani*, dist. 21, c. 3 (Friedberg 1:69–70).

3 Cyprian of Cathage, bishop (d.258).

4 Epiphanius, bishop of Salamis and metropolitan of Cyprus (c.315–403).

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namely John Chrysostom, as is written in the Tripartite History.[5] Nevertheless, this is not proved from the fact that a law had been made, as with many other examples.

I am quite amazed that the distinguished Lord Doctor has decided to assert divine law, yet up till today he has not brought in even one syllable of Scripture but only brings in sayings and deeds from the fathers, which even disagree with themselves. He admits that the Greeks were once most Christian, but afterwards, withdrawing their obedience from the Roman church, they lost faith, along with the empire, because yesterday he said with the same Eckian authority that the gates of hell prevailed against them, thus citing the Scriptures [Matt 16:18], for he understands the prevailing of hell against the church as the loss of earthly life and temporal possessions. This certainly is a most excellent gloss, as if faith could not remain with the loss of empire and thus he might be permitted to divine that none in Greece are Christians, because there is no empire. One might say by the same reasoning that even the martyrs were overcome by hell …

Luther again defends his appeal to the Greek church, calling some Hussite teachings "most Christian and evangelical" **[WA 59:466,1039–467,1099]**

[WA 59:466] *At the second hour of the afternoon the Lord Doctor Martin continued what he had begun today in this way:*

At the end, the distinguished Lord Doctor raised the condemned articles of Wycliffe[6] and John Hus,[7] and that of Boniface VIII.[8] I respond, as before, that I am neither willing nor able to defend the schism of the Bohemians, but I do want to defend the Greek church of 1400 years. Whether or not the Bohemians thought the same means nothing to me. I hold it to be certain that neither the Roman pontiff nor all his flatterers are able to cast out such a great number of saints from heaven for never being under the power of the Roman pontiff.

Second, it is also certain that among the articles of John Hus or the Bohemians there are many things that are clearly most Christian and evangelical, which the universal church cannot condemn, such as this and the like: there is only one universal church. This, you see, has been unjustly condemned by those most impious flatterers, even though the whole church confesses, "I believe

5 *Tripartita historia* X:13,1–14,4.

6 John Wycliffe, Oxford theologian (c.1330–1384), whose views were condemned at the Council of Constance in 1415.

7 Jan Hus, Bohemian reformer (d.1415), who was condemned and executed at the Council of Constance in 1415.

8 Boniface VIII, pope (c.1234–1303, r.1294–1303), responsible for issuing the bull *Unam Sanctam*, which required subjection to the Roman pontiff as a condition for salvation.

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in the Holy Spirit, the holy catholic church, the communion of saints." This most celebrated article of faith they number among the articles of John Hus. Then there is this: "It is not necessary for salvation to believe that the Roman church is superior to others." Whether this comes from Wycliffe or Hus, I don't care at all. I know that Basil the Great, Gregory of Nazianzus, Epiphanius of Cyprus, and innumerable other Greek bishops were saved, even though they did not hold this article. Nor is it in the power of the Roman pontiff or his inquisitors (*inquisitoris haereticae pravitatis*) to establish new articles of faith but only to judge according to established articles. Nor can a devout Christian be compelled beyond Sacred Scripture, which is properly divine law, unless new and proven revelation is added. On the contrary, by divine law we are not permitted to believe anything unless it is proved either by Divine Scripture or through manifest revelation, as Gerson also, albeit recently, has asserted in many places, and as St. Augustine more anciently observed as a singular canon, saying to St. Jerome: "I have **[WA 59:467]** learned to confer this honor upon these books alone, which are called canonical. But I read others in such a way that, even if they excel in learning and holiness, I do not consider something true because they thought this way, but [only] if they are able to persuade me from the canonical books or by demonstrable reason."[9]

Yea indeed, even the jurists themselves, from whom it might least be expected, in the canon, *Significasti, De electione et electi potestate*, state that the opinion of a single ordinary man is as valid as the Roman pontiff and as a council or the church if he has relied upon better authority or reason.[10] Therefore, it is nonsense that the distinguished Lord Doctor, wanting to argue against me from divine law, argues against me from the collections of the inquisitors after he has dismissed the divine law.

So then also that proposition of John Hus: "Papal dignity grew from Caesar." If that were false, it is erased by Platina[11] in *Vita Benedicti II*, where he writes that Constantine, the fourth emperor of the Greeks, sanctioned the Roman pontiff to be the general vicar of Christ, even though it was not observed this way by the Greek bishops. Therefore, as much as the distinguished Lord Doctor presses me about the Bohemians, who haven't even been around a hundred years, so I press him about the Eastern church, the better part of the universal church for fourteen hundred years. If they are heretics because the Roman

9 Augustine, bishop of Hippo (354–430). Letter found in *Decretum Gratiani*, dist. 9, c. 4 (Friedberg 1:17).

10 Nicholas ("Panormitanus") de Tudeschi (1386–1445), bishop of Palermo; *Decretales Gregorii IX*, X.16.4 (Freidberg 2:49–50).

11 Bartholomeo Platina (1421–1481), humanist and author of the 1479 *Vitae Pontificum*, a history of the popes through Paul II.

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pontiff does not recognize them, I will accuse my adversary of being a heretic for daring to assert that so many saints throughout the universal church are condemned. I say the same things about Boniface VIII, because the histories prove sufficiently what kind of a pope he was and with what confidence his deeds were received.

So then I conclude and ask the Lord Doctor if he is willing to concede that the Roman pontiffs were men and were not set up as gods, especially as often as they have judged in their own case; and then, [they judged] not by themselves but through their most unlearned flatterers – because St. Gregory in many epistles, although Roman pontiff, refused for himself a primacy of the whole world, referring to his predecessor Pelagius, saying among other things that the most venerable Synod of Chalcedon offered this honor of primacy to the Roman pontiff, and nevertheless no one dared to accept it.[12] If therefore I err, Gregory errs with me [**WA 59:468**] first with his predecessors, and they sinned damnably, because they did not assume the primacy offered to them.

Eck responds to Luther's arguments in defense of the Bohemians and Greeks, as Luther interrupts **[WA 59:468,1106–WA 59:474,1298]**

[WA 59:468] Lord Doctor Eck:

With respect to the fact that the Reverend Father, in order to defend his own honor, denies that he is a defender of the Bohemians – if the facts were to match his words, they would praise him, but his conclusions do not match his premises, since in an unchristian manner he says that the most pestilent errors of the Hussites are most Christian. But more about these things later.

Still, I hate the proposal because the schismatic Bohemians and Picards[13] would be able to receive this like a gift: "If divine law is on their side." I have always lauded the most praiseworthy Greeks and holy martyrs. But the Reverend Father, instructed little in the culinary arts, mixes together the holy Greeks with schismatics and heretics, such that he defends the treachery of heretics under the disguise of the holy fathers. Because at the same time he forces upon fourteen hundred years …

> *Lord Doctor Martin: "I protest," he says, "before you all, that the distinguished Lord Doctor speaks these things about me shamelessly and falsely."*

12 Gregory the Great (c.540–604), pope (r.590–604). Cited in *Decretum Gratiani*, dist. 99, c. 5 (Friedberg 1:351).

13 Or "Beghards," referring to the Bohemian *Unitas Fratrum*. See chapter nine, n. 48, in this volume.

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And the distinguished Lord Doctor Eck protests in return that he wants to prove these things by writings and sayings.

…. that for a long time, the larger part of the Greeks and their church has been both heretical and schismatic; but there is no agreement between Light and Belial and between schismatics and the holy martyrs and confessors.

Concerning the church existing for twenty years before it was Roman, I shall speak, since the Reverend Father opposes me. I am not disturbed that the Greek bishops were not confirmed by the Roman pontiff, for even now the lower estate (*plebani*) or parish priests are not confirmed by the Pope. But it would be the height of insanity to say, on that account, that the highest pontiff does not have primacy over the parish clergy.

[WA 59:469] Concerning the most trivial (*frigidissimo*) decretal of Anacletus, I will speak later, and I also will defend other decretals.

Concerning Numidia, the Reverend Father has said that the fact is not a law, because it is beyond the opinion of Cyprian, who accused them as if they were schismatics who dare approach the seat of Peter and the chief church [in Rome], from which our unity has arisen.

That Epiphanius of Cyprus expelled John Chrysostom, a higher bishop, from his episcopate, he himself has considered. This, I say, I do not consider to be a law.

In addition, he hurls insults at me, as if I am not citing the Holy Scriptures properly, when I said that on account of the loss of temporal things and riches the gates of hell had prevailed against the Greeks. Never has this thought occurred to me, for I have said against the church of the Greeks that heresies, schisms, and errors have increased. It is also true that the loss of the empire followed closely after, to the great shame of Christianity.

Next the Reverend Father brags that he has spoken about the divine law of Luke 22; I shall produce the obscure Richard FitzRalph,[14] also supported by the authority of Leo, for I believe both this text of the Gospel and the divine law. But the Reverend Father, having depended on his own intellect, denies that I follow the understanding of the ancients. It is indisputable that both Arius the heretic and Athanasius had the Gospel ("The Father is greater than me," John 14:28), but Arius understood it erroneously, while Athanasius, at the Holy Spirit's prompting, understood it rightly.

Concerning the proof he suggested [Lk. 22:31f.], it does not help, since anyone who is sensible understands that the one who concedes to his superiors with authority himself confirms the others, and thus excels in confirming this.

14 Richard FitzRalph (1300–1360), archbishop of Armagh.

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Concerning "per se" and "per accidens," I do not know how they pertain. So much for the first.

The Reverend Father, about to take up my arguments against the chief point, upbraids me beyond measure for intending to prove that the Roman church is given preference [*praelatam*] over others by divine law, but still I have only come up with sayings of the fathers and saints, as if I were trying to make a large jug from a small one. May the Reverend Father pardon me if he is unwilling **[WA 59:470]** or unable to understand my point. Let this be enough concerning divine law: given that so many holy fathers have said that [primacy] is by divine law, then it must be permitted that the divine law of Matthew 16 not be silent. I introduced the authorities of the holy fathers for "Upon which rock."

Concerning Bernard, whose authority and reason are invincible, I do not know how the Reverend Father has forgotten himself when he said that I admitted that Bernard spoke in another sense, because he is not able to fight any other way. But indeed, with the true and genuine sense of Scripture having been preserved, [like that] of the equality of the Son to the Father, the explanation of St. Bernard appears best.

Concerning Augustine and others, who said that Peter was the Rock, he insinuates that Augustine spoke to the contrary, so he will not accept it. Against this I respond: How does he dare believe that so holy, so learned a father meant contradictory things in the same book, in the same chapter, and in the same sentence (*Retractiones Book I, c. 21*)? But let others judge how modestly and humbly the Augustinian Reverend Father has responded, when a solitary man has promised that he will oppose so many holy fathers. This is truly Bohemian: to want to understand Sacred Scripture better than the highest pontiffs, councils, doctors, and universities that have continued to exist in great strength, since the Holy Spirit has still not deserted his church. It also would be amazing if God had hidden that truth [1 Cor. 3:11] from so many saints and martyrs until the advent of the Reverend Father. Nor does the appeal to the Blessed Paul prevail at all, because his sayings aren't in the least bit opposed to the holy fathers and teachers. No doubt, Christ is the Rock, he is the foundation, he is the cornerstone, he is the the undisputed head of the church. Furthermore, it cannot be denied that these things should be attributed to his vicar without going against the testimony of the fathers and martyrs.

He even recently suggested this petty syllogism, preaching in a sermon before the general public: "If the church is built upon Peter, how could it be upon a Peter who, at the voice of a single little slave girl, denied Christ and the Christian faith [Matt. 26:69–74]?" May the Reverend Father pardon me, since he despises Aristotelian philosophy and makes so much of grammatical matters, why does

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he not here – with his eyes of a lynx – consider that the phrase **[WA 59:471]** "I *will* build" [*aedificabo*, Matt. 16:18] is in the future tense? For indeed there was not a need for a vicar when the bridegroom was present and the sons were rejoicing [cf. Matt. 9:15]; nor did Christ give him the power of the keys at that time, but rather he promised it. Therefore, *before* the transferring of the keys and power [*potestatis*], St. Peter was hindered by the servant girl who was keeping the door [John 18:16–17], to which even Ambrose and then Gregory testify.

Concerning Chrysostom, he responds that Peter was superior in honor, but on the other hand even Paul served more churches. As if the Reverend Father has not preached more than the current highest pontiff, and on this account he must be called a greater pastor than the Pope. Thus, in an exceedingly subtle way, he contorts himself on the word *vertex*, as if Chrysostom were unwilling to understand primacy. But who can bear this, since it is a symbol, and *vertex* is symbolic for primacy in such a translation or metaphor? Thus he is also called the mouth of the apostles because he often spoke for all the apostles, as blessed Chrysostom also thought.

Concerning the decretals, he says that they are most trivial (*frigidissima*) decretals, about which I am totally amazed, when in his disputation he posited: "That the Roman Church is superior to all others is proved by the most trivial (*frigidissimis*) decretals of the Roman pontiffs produced in the last four hundred years,"[15] and to that I brought up many older ones, before the love of many began to grow cold [Matt. 24:12].

I do not accept his subterfuge, that he denies that the constitution was from Anacletus, for in this way the decretals of all the councils and of the highest pontiffs are eluded unless confirmed [lit. sealed], and the whole law faculty is accused of falsehood, as if it relies upon false foundations in its lectures, decisions, judgments, and similar things. And in this way their pontifical laws will be worth a black bean, unless they shall be approved by the consensus of all of Christianity. Thus, the opinion of the Reverend Father must be received with no agreement, since the decretals of all the highest pontiffs and councils may be found in many places, and, [so he] is typical of the presumptuous nature of men that were formerly found, who abandoned the lion's pelt of Anacletus for that of an ape. Therefore, unless he shows that those things are not contained in the originals, I hold out no faith in him.

Finally, he has said about the Bohemians – certainly not without insult to the Christian doctors – **[WA 59:472]** that there were many accusers of the Bohemians, when there should have been men who out of love both wrote

15 From Luther's counter-theses in *Disputatio et excusatio F. Martini Luther adversus criminationes D. Iohannis Eccii*, *WA* 2:161,35–38; *LW* 31:318.

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against them with good zeal and also exhorted them. There let me exercise talent and memory. Why should I tell a story to a deaf man? But a Christian ought not to deny that very many, motivated by the best zeal, have written against the Bohemians, such as the esteemed fathers at the Council of Constance; such as the doctor who responded to the Bohemians at the Council of Basel, Ragusa;[16] such as John of Capistrano,[17] a man of great honesty and doctrine, priest of blessed Francis, well known to all the faithful. I am passing over Nicholas of Cusa,[18] the most learned of the Germans, along with the many other inquisitors that the Reverend Father opposes. Therefore, there was no lack of men who wrote helpful things to the Bohemians, but they themselves were negligent and in obstinate heresy did not follow the helpful things written to them. We have spoken often about the Greek saints, but I consider it horrific to all faithful Christians that the Reverend Father does not fear to speak against such a holy and praiseworthy Council as Constance, convoked by such a consensus of all Christianity, saying that some of the articles of Hus and Wycliffe were most Christian and evangelical …

> *At this point, Doctor Martin protests: "It is not true that I have spoken against the Council of Constance." Eck counters that he will prove this from writings and sayings.*

… things which the universal church cannot condemn, such as when he says most wickedly that that article of Hus was condemned unfairly about it not being necessary for salvation to believe that the Roman church is superior to others, a saying which the Bohemians celebrated not without reason. They proclaimed this in their sermons before God at great cost to the church. Therefore, just as blessed Augustine argues elsewhere, if any lie were admitted of the Sacred Scriptures, the whole truth would be suspect. So also the condemned Hussites are supported by the patronage of the Reverend Father …

> *The Lord Doctor Martin, interrupting, said in protest that this was a shameless lie.*

16 John of Ragusa (c.1395–1443), Dominican theologian, who wrote *De communione sub utraque specie* against the Hussites at the Council of Basel.

17 John (Giovanni) Capistrano (1386–1456), Franciscan friar and opponent of the Hussites.

18 Nicholas of Cusa (1400–1464), conciliarist and later cardinal of St. Peter-in-Chains, who wrote multiple treatises against the Bohemians.

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[WA 59:473] ... undoubtedly they will say: "If the Council erred in these two most Christian articles, then its authority with us will be weakened in other articles."

Therefore, I am not willing to waste more words on a matter that has previously been condemned, to which the Christian should be compelled or urged. I say that this has happened by the authority of the councils or the Roman pontiffs, so this opinion of his cannot be defended without suspicion of heresy, and in any case it cannot be defended safely without injury to one's faith. Here is an example: "Whether the divine essence generates divine essence" [*An essentia in divinis generet*]. Richard, having included this sentence in his book *De trinitate*, is by no means censured.[19] But through a decision made by a council, no one may now say, without suspicion of heresy, that the divine essence generates, [as it happens] in the canon, *Damnamus vel Firmiter, De summa trinitate et fide catholica.*[20]

In response to the point about Augustine concerning how the canonical Scriptures should be read, I will devote no attention, since [the statement of Augustine] does not exclude the decretals of councils or the highest pontiffs. What my lord jurists, in the canon *Significasti, De electione*, weigh up, I do not now recall. But you should be mindful of their profession, as these cultivators of justice will not, in my judgment, allow pontifical laws to be done away with.

But that he adduces Platina (as if he were greater than the highest pontiff or Augustine or Cyprian) who in *Vita Benedicti II* recounts that Constantine III had ordained that primacy is owed to the Roman church; let the Reverend Father read, I beg, what the lord jurists record in the canon *Ecclesia sanctae Mariae, De constitutionibus*,[21] regarding what, how much, and how the decisions of secular men have influence in ecclesiastical matters, and he will see in which sense the words of Platina – lest I say of Roman emperors – ought to be received by churches and heretics.

Finally, he claims that I attack the Bohemians, [and] I attack the Greeks, yet I acknowledge schismatics. For I do not condemn the canonized Greek holy fathers, like the Giants who wanted to throw Jupiter out of heaven in the legends. But then indeed the Reverend Father opposes us when he presents the Greek disobedience and rebellion **[WA 59:474]** against the Roman church as if *that* were canonized. What is this? Should we praise him?

In vain, therefore, he assumes that they tolerate a monarchy, as if it were not by divine right (*de iure divino*) but was introduced by a certain tolerance

19 Richard of St. Victor (d.1173).

20 Decree of Lateran IV, in *Decretales Gregorii IX*, I.1.2 (Friedberg 2:6–7).

21 *Decretales Gregorii IX*, I.2.2 (Friedberg 2:12–14).

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of the people and consensus of the faithful. That is proved by an appeal to Gregory, who rejected the primacy among the faithful that was offered to him. But let the Reverend Father follow the sense, not the husk, of the words, and he will find in the letters the highest humility of the best father, such that he lessened the haughtiness of the Constantinopolitan patriarch more by his own meekness and humility, rather than if he had considered it with suspicion of glorification or pride. For he also first wrote of himself, "servant of the servants [of God]." If this is true, and if the Reverend Father is so diligent a reader of Gregory, he could read in the same epistle of his (as it is cited in the decretals of the canon *2 quaestione, 6. De caetero*),[22] where the most humble father, a despiser of riches and glory, mindful of his own authority, writes: "The other bishops, except for the Roman one, have been called into the office of care [*sollicitudinis*], not into the fullness of power [*potestatis*]." There is no one who can doubt here that, based on the grammatical sense, in fact he wanted to give an office to the rest of the bishops, but the fullness to the Roman pontiff. On account of this, I ask the Reverend Father that he not always wish to reject these things that have been said either by me or by others in his zeal for flattery. As you see, I have not learned to flatter – I don't even know how to flatter.

***Luther responds to Eck's objection and asserts the fallibility of councils* [WA 59:475,1307–481,1526]**

[*6 July, the seventh hour in the morning*]

[WA 59:475] Lord Doctor Luther:

After yesterday, the distinguished Lord Doctor, taking the role (*officium*) not of participant but of judge, against the agreement of the meeting and against the will of our most illustrious patron, Prince George, has frequently defined and proclaimed me a heretic, although it is of his role (*officium*) alone to adduce arguments and authorities. Whether I am a heretic or not, leave it to the judges – who, if the public trust is not violated, will see to whom judgment belongs …

Regarding the first case, he objects that I have called the most pestilent errors of Hus most Christian. About this I bear witness to my innocence, nor could he ever prove this, and I vehemently demand that he identify the same articles which are most pestilent that I have called most Christian, or take back his claim.

Secondly, he alleges that I have mixed the holy Greeks with the schismatics. What else can he do, when he doesn't have anything to say? It is most certain that at the recent destruction of Constantinople, there were full-fledged

22 *Decretum Gratiani*, causa 2, q. 6, c. 11 (Freiderg 1:469).

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Christians in Greece, afterwards received into Italy. And even if he does not press this point, even at the time of the Council of Nicaea, in all events, throughout all the East there were full-fledged Christians not subject to the Roman pontiff, as is most clearly borne witness to in the decretals of the same Council of Nicaea, speaking in Book 1, Chapter 3 from the Ecclesiastical Histories: "And as at Alexandria or in the city of Rome, the ancient custom is preserved, that the former takes care of the churches of Egypt, the latter of the area around the city." The same Council gave not to Rome but to Jerusalem the primacy of honor, saying in the same place: "And as from antiquity the prerogative of honor handed down is reserved for the Bishop of Jerusalem."[23] And as if all that is not enough, still he concludes in this way – because the distinguished Doctor is shrewdly quite silent – that the church of Christ was in existence twenty years earlier, before the Roman church came to be. Therefore, his refutation is ridiculous, because he pretends that I have mixed saints with schismatics, although he cannot identify his own schismatics.

Thirdly, when he attempts to refute my argument that the Greek bishops clearly were not confirmed by the Roman pontiff, he says this is nothing, since the lower-ranking priests in different places are not confirmed by the Roman pontiff either. Who does not see that these things have been said for the sake of wasting time? Nevertheless, lower-ranking priests are ordained by bishops. At the same time, I refer all these things to the earlier sayings of Jerome to **[WA 59: 476]** Evagrius.[24] For the same reason he also returns again and again to Numidia, of which it is written that [the Numidians] came to Rome, not having been called, and they are blamed because they came. And still the Lord Doctor from this fact bestows divine right upon the Roman pontiff. But he does not accept as law, but as fact, that Epiphanius Cyprius deposed John Chrysostom; and in this way he wants to have refuted – or so he urges according to the statute of the Council of Nicaea – that the authority of Cyprian on the ordination of bishops is less than the authority of the Roman pontiff. Therefore, it still stands uncontestable that either the Roman primacy is not established by divine law, or the saints of the whole Eastern church have been condemned eternally.

I am passing over the fact that he interprets prevailing over the gates of hell as prevailing over heresies, because I do not care; nevertheless, he has not shown that the Greeks were heretics, since it has even been published through

23 Rufinus (Tyrranius) of Aquilea (c.345–411), augmented and translated Eusebius of Caesarea's *Historia Ecclesiastica* into Greek. On Rufinus, see chapter ten in this volume.

24 Luther had earlier (*WA* 59:439,212–17) cited a letter of the early father Jerome (d. 420), contained in *Decretum Gratiani*, dist. 93, c. 24 (Friedberg 1:327–29).

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a binding decision that the Greeks are not considered heretics. I also pass over that about Leo and FitzRalph, where he says that he follows the understanding of the ancients …

To the main point, he says that he has not left unmentioned divine law because one ought to follow the opinions of the fathers concerning Matthew 16: "You are Peter, upon, etc.," especially [the opinions] of Ambrose and Augustine, who have said that Peter was the "rock." In addition, he even dares to say that Augustine had not retracted this. Afterwards, consulting the book of *Retractiones*, I have found the opposite. Truly, you see, he retracts and says that Peter is not the "rock," but the confession is the "rock." The same is said in homilies that all the priests preach on the day of Peter and Paul, where it says: "Upon the rock," not "upon you," but "upon the rock which you have confessed." I have found the same in Ambrose, although he also wavers. This is similar to that golden gloss on the canon *Ita dominus*, that they pride themselves upon, which says: "And upon this rock: By this saying I do not believe that the Lord has shown anything other than these words with which Peter responds to the Lord when he says, 'You are the Christ, the Son of the Living God.' Since the church has been founded upon this article of faith, Christ therefore has founded the church upon himself."

[WA 59:477] Therefore, it is nothing for the distinguished Lord Doctor to boast that the sayings of the fathers support him when they are found to support me much more strongly. Therefore, he could not spare his tongue and our ears when with rhetorical bellowing he exclaimed that I want to be the one more learned than all, that I want to understand Scripture more than councils, universities, doctors, and Roman pontiffs; and that it is amazing if the truth hidden for so long has been revealed to me alone. With this, you see, he has not been disputing but provoking hostility.

But that he mocks my reasoning – where I have said that the church fell when Peter denied [Jesus] if the church were built upon him, adducing the grammatical form of the future tense, "I *shall* build," as if after his death the church would be built upon Peter – I pass over, because anyone can easily see what it is worth. Notwithstanding, Peter also nevertheless fell upon a most serious stumbling block to his faith after the Holy Spirit had been sent, in Galatians 2, when he was refuted by Paul, in whom faith and confession remained unimpaired, while in Peter there was at the same time faith but also opposition to the truth of the gospel. I nevertheless grant that the distinguished Lord Doctor, who has especially depended upon this authority [Matt. 16:18], now excludes himself from this, that thus no shred of divine law remains for him. For if so great a promise was made, one must go to the place where the promise has been shown, and it will be found in that place at the end of John, where he

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does not say, "Peter, receive the Holy Spirit," but equally to all: "Receive the Holy Spirit and whoever's [sins] you remit, etc." [John 20:22f].

I also pass by that concerning Chrysostom, [for] where I said that Peter was superior in honor, the Lord Doctor, in order to refute me, replied that if Paul had preached more than Peter, he also would have more honor; as if I were speaking about the multitude of labors and not about the primacy of order. I also pass over the *vertex* and symbolic head [of the church], which are mere words.

Concerning the decretals, he is amazed that I said they were most trivial (*frigidissima*) decretals and originated less than four hundred years ago. Concerning the four hundred years, I refrain from speaking about it now. For it was unnecessary that it be pointed out that the decretals were four hundred years old, when before the year 1200 there were not even controversies about the primacy. Meanwhile let one marvel that the Lord Doctor understands the authority from Matthew to be a word of promise, not of proof, although nevertheless those decretals thoroughly depend upon the same word [of promise] as if [it were] a proof. Therefore, it is necessary that either the decretals cite it improperly, even the Lord Doctor author [Gratian], or Eck errs. But I pass over the fact that he does not accept my rejection of the decree of Anacletus, and I pass over how he mocks [me] concerning confirmed decretals there. He has not yet been silenced by [the fact] that **[WA 59:478]** the same decree interprets [the Aramaic term] Cephas as "head," a stupidity which ought not be attributed to such a great pontiff, especially at a time when the languages flourished and there were many Jews. But it is also certain that the book of decretals has not yet been approved.

He also has violently hounded me about this, that I said that there were more slanderers of the Bohemians than teachers. Would that I had uttered a lie! I indeed see that many things were said and written against them, but quite unfortunately they were not called brothers, which Paul did not refuse to the Galatians, who had lapsed into the treachery of the Jews. I believe that the Bohemians were humans and could be attracted by "Gentile sermons" and concessions, who were hardened further by the accusations and taunts of the name "heretic." Therefore, it is not that we should be excused in not telling a story to the deaf, since Paul exhorts that we should be eager in season and out [2 Tim. 4:2].

Concerning the Greeks, we have spoken very often. Now what he has dragged up to incite much hostility should be discussed: "It is horrific for all faithful Christians to speak heedlessly against such a holy and praiseworthy council as Constance that some of the articles of Hus were most Christian and

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evangelical, which the universal church cannot condemn." I respond: Among the articles of Hus is also this one: "The holy universal church is one, which is the whole number of the predestined"; likewise, another: "The holy universal church is only one, just as there is only one number of the predestined." These two are not Hus's opinions but Augustine's to the letter, in *Super Ioannem VI*, and repeated by the Master of the Sentences[25] in *IV. De sacramento eucharistiae.* There is a third: "The two natures, the divine and the human, are one Christ." These articles, I believe, the Lord John Eck confesses with me. Fourth: "The absolute division of human works is that they are either virtuous or vicious; because if a man is vicious and does something, then he does it viciously, and if he is virtuous and does something, then he does it virtuously." The article, as we have heard the preceding seven days, featured a triumph by the distinguished Doctor Karlstadt, so that the distinguished Lord Doctor John Eck was compelled to repudiate Scotus and the Scotists, John Capreolus and **[WA 59:479]** the Thomists together with all the more famous doctors of his faction and agree with Karlstadt.[26]

Next, what he vomited out at me yesterday – that I am protector of the Bohemians, a most pestilent heretic, and other similar things – I throw back in his lap: he thinks that whatever he has said about John Hus has been said of his accusations against me. I add this, that I correctly stated that there were most Christian and evangelical articles, especially this one: "The two natures, divine and human, are one Christ." Therefore, the Lord Doctor ought to admit this to me, that out of reverence for the the Council of Constance he ought to believe that these and similar articles were not condemned there but were inserted by some impostor. But beyond this, when the council itself says that some are heretical, others erroneous, others blasphemous, others reckless, others mutinous, others offensive to pious ears, the distinguished Lord Doctor ought, for the sake of his own prudence, be mindful of his own place and not, against the judgment of the council, condemn all as heretics in general, whom the council perhaps only wanted to deem reckless. For even the purest truth itself can be accused of recklessness, scandal, mutiny, and offense to the ears, just as happened to Christ, and for that reason is not a false article, much less heretical, because it is reckless or offensive. And so it is well known that I have

25 Peter Lombard (c.1100–1160), whose *Sententiarum libri quattor* was the primary theological textbook of medieval scholasticism.

26 Karlstadt and Eck had principally debated the freedom of the will with respect to good works and merit in two early sessions (June 27–28, June 30–July 1).

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been accused of heresy excessively hastily and far short of Eckian modesty, an offense which perhaps he would scarcely be able to prove. On the contrary, since it does not truly belong to him to judge concerning those articles which are erroneous, heretical, or reckless – clearly it is well-known how unfairly and recklessly he has accused me as a heretic, even by the worst name. Next: "That it is not necessary for salvation [to believe] that the Roman church is superior to others," has not yet been established as a heretical article, although it is numbered among the heresies.

Moreover, that he argues from the example of Augustine, that if any falsehood is admitted in a council, the entire authority of the council will be weakened, is an unfortunate comparison. Augustine is arguing about Divine Scripture, which is the infallible word of God; but a council is a creature of that very word. **[WA 59:480]** Therefore, injury happens to the word of God through this comparison, since one can concede that a council is able to err, as Panormitanus notes, in the chapter *Significasti.* I pass over that about the generation of the divine essence because it has nothing to do with the argument.

To Augustine, who orders that, with the exception of Scripture, the writings of all be read with discretion, the distinguished Lord Doctor says that the decretals of Roman pontiffs and councils have not been excluded by him. This is said but not proved; rather, I confirm my explanation with the authority of Paul to the Thessalonians: "Test everything, hold to what is good" [1 Thess. 5:21]. The Roman pontiff and the councils are men; therefore, they should be tested and thus held in check, not exempted from this apostolic rule.

He says he is not able to remember the chapter *Significasti* that was adduced by me, and he advises that the lord jurists do not do away with pontifical laws, which itself is also useful for stirring up hostility against me. The laws of the pontiff are not done away with by this if the divine laws are preferred, because although the lord jurists do this, the theologians who also resist the best jurists in this matter do worse.

He says that Platina, appealed to by me, is not greater than the Roman pontiff, Augustine, and Cyprian, as if by [mentioning] Cyprian, Augustine, or the highest pontiff he already has proved primacy, which many times he has promised to prove by divine law and has exhibited nothing but a most trivial (*frigidissima*) decree and some other falsely understood opinions of the fathers. I attribute nothing to Platina but [rather] to the history Platina writes, which is the mother of truth. What he says about the constitutions I pass by.

Finally, he admits that the holy Greeks are not condemned but only schismatics. This has nothing to do with the argument. Indeed, I have not ever responded about the schismatic Greeks but about the saints, especially [those

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of] the Council of Nicaea, just as I do not believe that he is thinking about schismatic Latins when he speaks about the Roman church.

He says that the [writing of] Gregory introduced by me ought to be followed according to its meaning, not according to the husk of the words. Thus my response has also been refuted, for the Eckian word alone suffices!

Moreover, since he has introduced the canon *De caetero*, where the same Gregory writes that the other bishops besides the Romans were called into an office of care, not into the fullness of power [*plenitudinem potestatis*], the Lord Doctor ought to show **[WA 59:481]** that he means all the bishops throughout the world and not only the bishops of the Western church. But no matter how well he were to do this, it still would not be proved by divine law. Gregory is a man and by this is less approved when in many places he opines differently. So may I have a greater right to speak than the Lord Doctor, that he may follow the sense and not the husk in his conclusions; or let him first impose the same thing on himself.

Lastly, when I introduced Paul in 1 Corinthians 3 against the distinguished Doctor, that "no one is able to lay another foundation other than that which has been laid, which is Jesus Christ," he, moreover, said this must be granted to the vicar of Christ. Therefore, it is necessary [for Eck] to say the following: No one is able to lay another foundation besides that which has been laid, which is the Roman pontiff. Thus most clearly he will be resisting the authority of Paul or must recall that these things are not to be granted to the vicar of Christ.

Similarly, also in relation to Galatians 2 [Gal. 2:6], where Paul has said, "Who seemed" (he speaks about Peter, James, and John) "to be something, it is nothing to me, God does not accept the person of man" – there Paul most clearly says that Peter's greatness or character count for nothing, nor is it accepted by God. But if [primacy] is by divine law, most certainly Paul here is lying, for what is divine law is accepted by God entirely and counts for much. Therefore, that authority of Paul compels that the primacy of any human bishop is not by divine law, and, therefore, what the Lord Doctor has said must be rejected, that it is by divine law, since patently he is contradicting the apostle. So I say this: that unless the distinguished Lord Doctor should change his mind, as it most evidently is contrary to Paul, I would not consider him to be catholic. Let these things be enough concerning my response to the objections of the Lord Doctor John Eck over Proposition 13, "Concerning the power and primacy of the highest pontiff." I leave these matters to the judgment of the judges and of all the readers.

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Eck defends primacy again from the fathers and canon law **[WA 59:482,1545–485,1638]**

[WA 59:482] 1:00 p.m. of the same day.

Lord Doctor Eck:

Although the Reverend Father reproaches me for having usurped the office of judge, there is nothing to the matter! I am a debater, and I have not said that he is a heretic but that his sayings greatly support and defend heretics and Bohemians, especially since he has dared to speak this horrific thing, that some of the articles of John Hus condemned by the holy Council of Constance are most Christian and evangelical. But let's get down to the true issue. Yesterday he put forth two articles in this manner; today he has added others …

But when he mentions the Greeks, it is amazing with what zeal the Reverend Father defends them as good men who came into Italy after the sack of Constantinople, and that he requires me to show and name which Greeks were schismatics and heretics. I am amazed that the Reverend Father in his [*Disputatio et excusatio*] throws in my teeth ignorance of the histories, and he himself in this place is unwilling to accept what the whole church recognizes. Was not Macedonius a schismatic, and Nestorius, Eutyches, Acacius, [and] John of Constantinople, and for a long time [did not] those perservering in schism under Eugenius IV in the Council of Florence[27] show obedience to the church, although on account of obstinate treachery immediately return to their vomit? Otherwise, if the Greeks had not been schismatics and heretics, we should not accept the decision, *De summa trinitate et fide catholica* **[WA 59:483]** *contra Graecos.*[28] Or perhaps the Reverend Father till now is ignorant that Thomas has published a book about the errors of the Greeks?[29]

I add [this] since he has now introduced often that the Eastern church was not subject to the Roman pontiff and that Epiphanius excluded St. Chrystostom from his episcopate (a fact which the Reverend Father cites well on the authority of the Council of Nicaea and of Cyprian). But he has fallen into a pit of his own making because St. Chrysostom was brought down by the hatred of the empress and replaced by the heretic Arascius of Tarsus, whom the highest pontiff Julius commanded to step down and restored St. Chrysostom.[30] But when it did not happen, Pope Julius decreed that John Chrysostom be restored

27 The Council of Florence, transferred from Basel, had published the 1439 bull *Laetentur Coeli*, which temporarily reunited East and West, but the bull was never accepted by the Eastern bishops.

28 From the the 1274 Council of Lyons in *Sexti Decretalium*, I.1 (Freidberg, 2:936).

29 Thomas Aquinas (1225–1274), *Contra errores Graecorum ad Urbanum IV* (1263).

30 Arascius of Tarsus (d.405), patriarch of Constantinople (r.404–405), after expelling John Chrysostom.

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and he excommunicated the emperor.[31] Thus also he proceeds against the other heretical bishops that clearly the histories relate not once but ten times that the Greeks receded from obedience to the Roman church. Now let the Reverend Father come and say that the Roman pontiff has not made proscriptions against the Eastern church, or let him justify the rebuff of so holy a father as Chrysostom.

Third, concerning the Nicene Synod, which he has adduced from *Historia scholastica,* Book 10 – if that is a constitution that he wants in his explanation, this is fine, I say, but irrelevant to the point. For no synod even to this point has been judged legitimate that has not been convened on the authority of the Roman pontiff. Thus Leo, Marcellus, and Julius, holy and not trivial (*frigidi*) popes, living around the same time, enacted [laws regarding primacy]. Their constitutions are gathered in *distinctio 19, capite Synodum*,[32] and the following. There they gave prerogative of honor to the patriarch, but not primacy [**WA 59:484**] of the whole church; this the Lord Father should have proved. But the sixth synod expressly gives the first see to the Roman church, which is adopted in *distinctio 22*;[33] this Pope Leo also maintained against emperor Michael and Blessed Gregory against John of Constantinople and emperor Maurice.

From here, let me also examine the statement about Blessed Gregory, whom he introduces as rejecting primacy. That is known to be most false, since he only presents Platina, who writes this way about St. Gregory. But in addition, when John of Constantinople was bishop, while a synod of the Greeks was being held, he had appointed himself ecumenical (that is, universal) patriarch, and Maurice advised Gregory to be submissive to John, and the man of steadfast character and faith responded that the power of binding and loosing had been handed over to Peter and his successors, not to the bishop of Constantinople; then he stopped stirring up the wrath of God among them. From this it is certain that Gregory, without doubt a holy and humble father, not only did not reject the primacy but also asserted it against the emperor of Constantinople. Therefore, I do not want to inflict upon so holy a father what the Reverend Father by himself almost has, that steadfast Gregory has said contrary and incompatible things. But he denied that he was the universal bishop according to the sense given earlier in the disputation, and nevertheless he held fast the primacy.

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31 Eck has in mind Pope Innocent (d.417, r.401–417), who advocated for Chrysostom.

32 Not dist. 19, but *Decretum Gratiani*, dist. 17, c. 1, *Synodum* (Friedberg 1:50–51); *Decretum Gratiani*, dist. 17, c. 2, *Regula vestra* (Friedberg 1:51); and *Decretum Gratiani*, dist. 18, c. 2, *De conciliis* (Friedberg 1:53).

33 *Decretum Gratiani*, dist. 22, c. 6 (Friedberg 1:76).

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Moreoever, that was always the custom, even at the time when the Nicene Council was observed, as proven from *Epistle 42*, from Augustine and [his] co-bishops to Innocent I, where they say: "Because the Lord has placed you in the apostolic see by a special gift of his own grace and has made available such a great man in our times for the great perils of the infirm members of Christ, we pray that you will be worthy to employ all pastoral diligence." The pope responds: "Diligently and fittingly you have taken counsel with the highest authority of apostolic honor. I speak of that honor for which, besides those things that are unessential, pastoral care of all the churches remains **[WA 59:485]** concerning troublesome matters, which is an opinion that must be held, of course, to follow the form of the ancient rule …" What could be said more clearly: the pope in the time of Augustine held care over all the churches and that it was not begun then but was the form of the "ancient rule"?

Next, the Reverend Father comes with his Hercules, that is, his reasoning about the twenty years when the church existed before being Roman. I answer that it is true that Christ in the Gospel has pronounced that not the Roman church but Peter was ordained chief of the Apostles. Therefore, since Peter's preeminence was commanded by the Lord, he had his seat transferred from Antioch to Rome. Thus, it was not by human right but by the order of God [that Rome] became first, by a right held previously by blessed Peter. Marcellus, holy martyr and pope, testifies in the chapter *Rogamus, causa 24, quaestione* 1: "Although the first seat was in Antioch, later it was transferred by the will of the Lord to Rome."[34] Who, indeed, is so foolish as to want to confine the primacy to a place? But this is the opinion of the holy fathers: Because by divine law Peter was ordained to be the vicar of Christ, likewise his successors are Roman pontiffs and, wherever they may be, they are the vicars of Christ. It seems the blessed Augustine thought this against the Manicheans: It is plain, he says, that "in a doubtful matter the authority of the catholic church should prevail for the certainty of the faith, [the church] which from its very foundations on the seats of the apostles up to this very day is confirmed for itself by both the series of succeeding bishops and by the consensus of the people." Therefore blessed Augustine in his letters relates the list of names of the Roman pontiffs.

Eck resumes his criticism of Luther's rejection of primacy the next day **[WA 59:493,1864–494,1890]**

[WA 59:493] 7 July, about the seventh hour in the morning

Lord Doctor Eck:

34 Pope Marcellus (255–309, r.308–309). Cited in *Decretum Gratiani*, causa 24, q. 1, c. 15 (Friedberg 1:971).

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Because the Reverend Father yesterday had time to respond to our arguments, we have thus, by the order of the most illustrious prince, continued, where he many times passes over in responding with words by appealing to his pen.

Nevertheless, with deliberation still being held, he has proposed to respond further now. To this I do not dissent for the sake of love and the elucidation of the truth. I marvel at how the Reverend Father with great blustering dares to thunder before so many noble men, because I had said that I would prove monarchy and primacy in the church by divine law, yet I have only presented sayings of the holy fathers and decretals of pontiffs, although **[WA 59:494]** I have adduced the divine law to him: Matthew 16 on the promise of building upon the Rock; because Christ especially prayed for the faith of Peter; that he especially commissioned him to confirm his brothers; that he especially commissioned him in the presence of John and James three times to feed his sheep. And this divine law must be understood thus; then I have adduced holy fathers, holy high pontiffs and martyrs, the consensus of councils and of all the universities. Therefore, from divine law it has been proved that there is primacy in the church, unless the Reverend Father puts his own understanding before the comprehension of so many holy fathers, highest pontiffs, and sacred councils, although the laudable Council of Constance has condemned such an article among the pestilent errors of John Hus; to this the Reverend Father is silent. But all the same, if he wants to offer better things for the elucidation of the truth, which yesterday he could have done according to the order of the most illustrious ruler, I am prepared to listen [according to our] agreement, because while he is engaged in the role of respondent, now at the end of the debate let him not transform himself cleverly into the person of his opponent. But in whatever he would oppose against that inescapable truth, I am prepared to respond to his arguments and to refute these things, about which I protest.

Luther responds with his controversial reservation regarding conciliar infallibility [WA 59:500,2074–502,2131]

[WA 59:500] … Finally, about the Bohemian articles he does not want to judge, even though he never desists from insulting me. I also pass over these things, saying nothing except that I approve of Gregory of Rimini, *distinctio* 28, which was rejected by the excellent Lord Doctor.[35] In fact, [Gregory accepts] nothing [but] Augustine and Holy Scripture, and, in addition, resists all the

35 Gregory of Rimini (d. 1358), general of Luther's order, the Augustinian Eremites, and doctor of theology at Paris. Eck had cited Gregory's commentary on Lombard's *Sentences* dissaprovingly in his 1518 *Defensio contra amarulentas d. Andreae Bodenstein Carolstatini invectiones*, in *CCath* 1, ed. Joseph Greving (Münster: Aschendorff, 1919), 65.

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scholastic doctors, and especially Aristotle. But he has not yet been refuted by any of them.

I agree with the Lord Doctor that the statutes of the councils in those things which concern the faith should be esteemed in every way. This alone I reserve for myself, which also must be reserved: that a council has erred and is able to err at any time, especially in those things which do not concern the faith. Nor does a council have authority to establish new articles of faith; otherwise, we would finally have as many articles as there are human opinions. When he finally introduces Saint Francis, that we ought to obey the highest pontiff, I wonder against whom he has said this. Likewise, I pass over those charges about the mendicant brothers. That miserable custom also torments the Lord Doctor. For my part, in my own opinion, I wish there were no order of mendicants.

I have held these things which I have responded to the objections of the illustrious Lord Doctor concerning Proposition 13. Therefore, it is now left to a final response that I might stir up against the illustrious Lord Doctor those things which have been stirred up against me.

> [*At this point, there was a disagreement between Luther and Eck over their respective roles as respondent and opponent. Eck agreed to allow Luther to proceed as opponent.*]

[WA 59:501] Against the opinion of the learned Lord Doctor this seems to militate: that which has been summed up strongly enough in [my] refutation and is written in 1 Corinthians 3, where Paul, devaluing the person of all the apostles, says, "What is Apollos? What is Paul? What is Cephas? Ministers, through whom you have believed." There, Paul by all means wishes to do away with contention and schism. He denies that a single church belongs to a single apostle but affirms that they are all communities for all, when in the end of chapter 3 he says, "All things are yours, whether of Cephas or Apollos or Paul, you are nevertheless of Christ."

Nor is one able to escape by saying that they do not contend about the principate but about the dignity of persons, because the text clearly says that some preferred Peter to everyone else, others Paul, others Apollos, others indeed Christ alone. This is confirmed by Galatians 1 and 2, where with a similar contention the Galatians, who had been seduced because of the primacy of Peter commended to them, relinquished Paul and his doctrine as if [they were] shameful. Against this, [Paul] proves with a lengthy argument that nothing in this matter pertains to the dignity of Peter or the other apostles, saying that he had been sent to them neither by man nor through man, neither had he seen Peter or been taught by him, but that he had received and passed down all

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things without Peter. If therefore the authority of Peter was a necessary thing and divine law, Paul was in this place manifestly impious and blasphemous, as one who was unwilling even to seem as if he were sent by God through man and entirely rejected the authority of Peter. Third, and more clearly later, there he says: "Those who seemed to me to be something added nothing and what sort of men they were at some time counted for nothing with me. For God does not accept the person of man" (Gal. 2:6). Behold here he clearly says that the character of Peter and the other apostles had counted for nothing to him, which it would be most impious to say if the character of Peter had to be obeyed by divine law. It would be similarly impious to say: "God does not accept the person of a man," because the divine law and those things which are of divine law prescribe [this] **[WA 59:502]** under the pain of eternal damnation [Gal. 1:8]. From this it is shown that that primacy or dignity or whatever you want to call it is counted as the person or character of Peter, not [something] established by divine law.

> *Lord Doctor Eck wanted to respond, since he had made repeated objections to no avail. Then, by the order of the masters through a public servant, the disputation was interrupted and suspended until the second hour of the afternoon.*

Eck denounces Luther's view of councils **[WA 59:511,2408–2418]**
[1:00 p.m. of the same day]
[WA 59:511] Lord Doctor Eck:

That the Reverend Father mixes the article of John Hus concerning ecclesiastical obedience with the other article concerning the works of man's progress by the authority of Gregory of Rimini, who is defended in all the universities, I have heard a defense to this point in no university (although I have been to very many) – nevertheless, he asks me to prove that a council is not able to err. I do not know what he wants with that petition, whether he secretly wants to consider the praiseworthy and glorious Constance council suspect. I say this to you, Reverend Father, if you believe a council legitimately convoked has or can err, you are to me as a heathen and a publican. Let us not plead the case of what may be heretical in our presence.

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